

Vat. lat. 3137

saec. XVex.

Prov. Francesco Panizi, bp. of Gaeta (+1494)

1 + 148 fols. memb. 233 (150) x 150 (80) mm, origin Italy. Quiniones, saec. XVex.

Iv <Incertus auctor>, **Eulogium Leonis I**

(Rubrica) Eulogium Leonis I Pontificis maximi. (Textus) Inter nouem ferme(?) Romanos pontifices qui Leonis nomine nuncupati sunt: Leo Thuscus ut ordine primus pariter dignitate prestans fuit ... (Finis) si quisquis idiota disputauerit et non eum in omnibus uenerabiliter acceperit: Anathema sit.

fol. 1r-8v **Tabula epistolarum sanctissimi Leonis pape** (table of contents)

fol. 9r-147v **Leo <I>, Epistolae** (See Vat. lat. 543 fol. 1va-82ra for a further information.) *Variants:*

(Rubrica) Incipit epistola sanctissimi Leonis *pro* Epistola Leonis; (Epistola ultima) (Rubrica) Epistola eiusdem Leonis pape. Ad Dorum episcopum Beneuentanum. (Inscriptio) Dilectissimo fratri Doro. Leo episcopus. (Textus) Iudicium quod de te sperabamus dolemus esse frustratum ... (Finis) ut omnia illico (illi *cod.*) quemadmodum constituimus roborentur. Data XIII (Datum id. *cod.*) mar. Postumiano u. c. conss. (Colophon) Deus laudetur. (red rubric) Expliciunt epistole sanctissimi Leonis pape feliciter.

Bibl. S. Leo Magnus, *Opera*, ed. Ballerini PL 54.573-74, this is a variant of their Coll. XXI.

Fol. Iv is written in humanist Italic cursive. The rest of the MS is in a humanist book-hand by a single scribe using brown ink. The Tabula by the same scribe lists the single letters referring to folios of this MS. There are occasional marginal corrections by the scribe as well as short notabilia, the latter usually in red. A later hand has added some marginalia (e.g. fol. 32r, 48r). Fol. 9r is decorated in a half-border white vine design with blue, green, and light red, highlighted by gold disks with fine rays. The border expands to include the book initial - which is gold. The same pattern in the lower margin surrounds a coat of arms within a green garland. The arms consist of horizontal bands of red and silver, and may be those of Francesco Patrizi. There is a second, smaller initial in gold on a square blue field on the folio. Each succeeding letter begins with a large simple blue or red capital and rubric in red. The MS has two sets of numbers. The original numbering by the scribe in red in the upper right corner, starts with the first letter (fol. 9) and was used to construct the preceeding (originally unnumbered) table. It has an error, skipping from 120 to 131. The modern stamped numbers in the lower right corner start with the first page of the table and are followed here. Catchwords are vertical along the inner margin line. The MS was rebound in red leather over cardboard in the mid-19th century. Fol. 148r-v is lined but otherwise blank.

Vat. lat. 3458

saec. XVI

Prov. Antonio Carafa, card. 1568-91.

<I> + 95 fols. chart. 272 (203) x 190 (134) mm, origin Italy (Rome?). Quaterniones, saec. xvi.

fol. 1r-94v <**Concilia Toletana XIII-XVII**>

(Rubrica) Concilium Toletanum XIII. (Rubrica secunda) In nomine Domini. Incipiunt gesta synodalia habita in urbe Toletana sub era (urbem Toletanam era *cod.*) D.CC.XXI. anno regni excellentissimi Eruigii principis 4^{to}. (Textus) Illibatae charitatis (Inlibatae karitatis ed.) instinctu alternis uisionum obtutibus redditi ... (Finis) siue excommunicatione seu etiam damno maneat usquequaque

multatae (damnatae *cod.*).(Colophon) Finis.

Ed. *Concilios Visigóticos-Hispano-Romanos*, ed. J. Vives, in *España Cristiana*, ed. J. Vives and T. Marín, Vol. 1 (Barcelona-Madrid 1963) 411-74, 482-537.

The MS is written in a 16th-century cursive in dark-brown ink. It has no decoration. The ink has bled, and the pages are now protected by a netting. On <I>v a more recent hand added: 'Antonii Card. Carafae bibliotecarii munus ex testamento'. The two unidentified watermarks are 1) a shield with a diagonal band supporting the letters 'SPQR', the whole surmounted by a lily, and 2) a shield divided horizontally, the upper with an eagle surmounting a column, the lower with an animal, perhaps a dog. The old parchment binding has been restored. <I>r and fol. 95r-v are blank.

Vat. lat. 3477

saec. XV.1

Prov. Antonio Carafa card. 1568-91; Giordano Orsini, card. 1405-38. <I> +329 fols.-45-236 chart. 213 (128) x 143 (83) mm, origin Italy. Seniones et octoniones, saec. XV.1. fol. 1r-11v, 31r-90r, 123v-125v, 132v-153v, 226v-232v, 247r-289v, 305r-309v

<**Auctores varii**,

Opera polemica>: REARRANGE !!! Splitting the MS into two sections and alphabetic listing of authors is inadequate and denatures this MS !!! Antonius de Butrio, *Consilium de schismate, imperfectum* (fol. 43v-46r [**Ed.** Paulus Castrensis, *Consilia I* fol. 214ra-215ra, lacking the texts between 214va 'intentio' and 214vb 'ad hoc astringuntur']); Antonius de Luschis, *De modo tenendi per concilium ad Petrum de Candia* (fol. 138r-140r); Bartholomaeus de Saliceto, *Consilium de schismate* (fol. 48r-v [**Ed.** Vincke, *Schriftstücke* 30-32 no. 3, using this MS]); Bononiensis Universitas, *Conclusiones de schismate* (fol. 49r-v [**Ed.** Mansi 27.219-21, 221 n. a, 221-22, 222 n. b]), Franciscus Zabarella, *Tractatus de schismate* (fol. 132v-137v [**Ed.** Franciscus Zabarella, *Consilia* (Venetiis 1581) fol. 153vb-156va. This is the second version of the tract; for a copy of the third, see Vat. lat. 2254 fol. 212rb-219vb]); Johannes de Bellantibus de Senis, *Consilium de schismate* (fol. 50r-61v); Marcus de Canetulo, *Orationes duae* (fol. 305r-308r, 308v-309v [**Bibl.** G. Alidosi, *Li dottori bolognesi* (Bologna 1620) 169]); Matthaeus de Mathesillanis, *Consilium de schismate cum subscriptione Johannis de Canetulo* (fol. 40v-43r [**Ed.** Paulus Castrensis, *Consilia I* fol. 215ra-va]); Nicolaus de Bittonio O.F.M., *Tractatus de schismate* (fol. 1r-11v [**Bibl.** Vincke, 'Magister Theologiae' 178-206]); Parisiensis Universitas, *Consilium de schismate* (fol. 62r-v, 88v-90r); Paulus de Castro, *Consilium de schismate* (fol. 32v-35v [**Ed.** Vincke, *Schriftstücke* 29-32 no. 2, using this MS]; Paulus Castrensis, *Consilia I* fol. 213rb-214ra]); Petrus de Alliaco et Johannes Gerson, *Epistola ad Gregorium XII* (fol. 63r-v [Genoa, 15 sept.; **Ed.** Jean Gerson, *Oeuvres complètes* (Paris 1960-73) II 84-86 no. 22. **Bibl.** Op. cit. II xvi no. 22]); Petrus de Alliaco, *Decem considerationes circa concordatum Massiliae* (fol. 64r-66v [**Bibl.** P. Glorieux, 'L'oeuvre d'Ailly' 73]); Petrus de Ancharano, *Consilia de schismate* (fol. 46v-47v [**Ed.** Petrus de Ancharano, *Consilia* fol. 24vb-25rb], fol. 226v-232v [**Ed.** cit. fol. 115vb-117rb], fol. 247r-250r [**Ed.** Vincke, *Schriftstücke* 112-18 no. 18, using this MS], fol. 250v-251v [**Ed.** cit. 119-21 no. 19, using this MS], fol. 252r-269r [**Bibl.** Souchon, *Papstwahlen* II 248-51]); Petrus de Candia, postea Alexander V, *Responsio Antonio de Luschis* (fol. 150r-152v); Robertus de

Francola, Tractatus de schismate, imperfectus (fol. 269r-289v), Incerti auctores, Consilia de schismate (fol. 31r-32r [**Ed.** Vincke, *Schriftstücke* 34-39 no. 5, using this MS]), Quaestio super opinione episcopi Ragusini (fol. 67r-88r), De modis tenendi per dominum Gregorium XII (fol. 123v-125v [**Ed.** Vincke, *Schriftstücke* 142-46 no. 24. using this MS]), Considerationes de schismate, imperfectae (fol. 140r-141r [**Ed.** Vincke, *Schriftstücke* 134-41 no. 22 to 137, using this MS]), Satira in Gregorium XII (fol. 142r-146v), Epistola officialium curiae Romanae (fol. 147r-148r), Versus de schismate (fol. 149r).

fol. 14r-30v, 91r-123v, 126r-132r, 152v-161v, 163r-235r, 289v-291r <**Auctores varii, Acta de schismate**>: Benedictus XIII, Epistolae (fol. 29r-v [**Ed.** Mansi 26.1014-16], fol. 113r-v [Portovenere, 13 iun. 1408; **Ed.** Mansi 26.1016-18], fol. 114r-v [**Ed.** Mansi 26.1016), fol. 128r-131v [Portovenere, 15 iun. 1408; **Ed.** Mansi 26.1103-09], fol. 132r, [15 iul. 1408; **Ed.** Mansi 26.1110-11], fol. 173r-176v [7 nov. 1408; **Ed.** Mansi 26.1180-84] cum epistola cardinalium eiusdem, fol. 176v-177r [1408; **Ed.** Mansi 26.1184]); Carolus VI rex Franciae, Epistolae (fol. 100r [Paris, 12 ian. 1407], fol. 100v-102r [Paris, 12 ian. 1407], fol. 102r-v [Paris, 12 ian. 1407], fol. 115r-117r [Paris, 22 maii 1408]); Collegium Avinionense cardinalium, Epistolae (fol. 28r-v [Villeneuve d'Avignon, 16 iul.], fol. 152v-156v et fol. 202v-205r (two copies) **Ed.** Mansi 26.1161-67], fol. 170v-173r [Pisa, 24 sept. 1408; **Ed.** Mansi 26.1175-79]), Cedula in conclavi post mortem Clementis VII (fol. 122v [**Ed.** Souchon, *Papstwahlen* I 298-99]); Collegium Romanum cardinalium, Epistolae (fol. 157r-161v [Livorno; **Ed.** Mansi 26.1167-75), fol. 163r-165v), Capitula in conclavi post mortem Bonifacii IX (fol. 224v-226r [24 oct. 1404; **Ed.** Souchon, *Papstwahlen* I 280-84]), Capitula in conclavi post mortem Innocentii VII (fol. 14r-17r [**Ed.** Souchon, *Papstwahlen* I 287-92]); Collegium unitum cardinalium, Epistolae (fol. 104r-109v [Pisa, 13 maii 1408], fol. 111r-113r, 121r-122r [1 iul. 1408; **Ed.** Mansi 27.46-49], fol. 177v-180r [25 ian. 1409; **Ed.** Mansi 27.207-12], fol. 205v-207r [Livorno]), Responsio oratoribus Venetorum et Florentinorum (fol. 198r-202v [**Ed.** Martène et Durand, *Thesaurus* II 1411-19]), Declaratio marchionis Montis Ferrati (fol. 126r-127v), Responsio Malatestae de Pensauero (fol. 209v-213v [**Ed.** Mansi 27.239-45 no. 17]); Concilium Perpinianum (1408), Cedula (fol. 184v-185r); Commune Florentiae, Epistolae (fol. 196v-197v [Florence, 28 feb. 1409; **Ed.** Mansi 27.434-35], fol. 233r-235r [Florence, 28 feb. 1409; **Ed.** Mansi 27.430-33]), Salvusconductus (fol. 180v-181r [Florence, **Ed.** Mansi 27.203-04]); Gregorius XII, Epistolae (fol. 17v-18v [**Ed.** Mansi 26. 1013-14], fol. 30r-v [**Ed.** Martène et Durand, *Veterum scriptorum ... collectio* VII 754-55], fol. 110r-111r [Lucca, 21 maii], fol. 118v-119v [Lucca, 17 maii], fol. 166r-170r, 186r-195v [19 jan., **Ed.** Mansi 27.7-73]), Appellatio (fol. 119v-121r [Lucca, 1408]), Mandatum (fol. 103r), Responsio oratoribus Benedicti XIII (fol. 97v-99v); Henricus IV rex Angliae, Epistola (fol. 181r-183r [Westminster, 12 nov.; **Ed.** Mansi 27.108-10]); Hernandus ciliae Segorieque comes, Epistola (fol. 117v-118r [Celje (Cilli), 12 iun. 14??]; Commune Ianuae, Instrumenta diplomatica de concordato Massiliae (fol. 19r-27r [**Ed.** C. Baronius, *Annales* an. 1407, §4, (ed. Theiner 27.164-66a partial edition); a cancelled copy of the material on fol. 26v appears at fol. 27v.]); Johannes de Soleria O.S.B., abbas s. Justinae, Epistola (fol. 183r-184r [Marano, 5

- feb. 1409]); Johannes Dominici O.P., Epistola (fol. 195v-196v [Siena, 10 oct.]); Ludovicus de Barro, Epistola (fol. 223v-224r); Oratores Benedicti XIII, Oblatio (fol. 92r-94r [Ed. Vincke, *Schriftstücke* 70-72 no. 10, using this MS]), Responsio ad oblationem oratoris Venetorum (fol. 95r-97r); Oratores Caroli VI, Oblatio (fol. 208r-v) cum responsione cardinalium (fol. 208v); Oratores Gregorii XII, Oblatio (fol. 209r [Portovenere]); Oratores Sigismundi regis Hungariae atque Venetorum, Oblatio cum responsionibus cardinalium (fol. 214r-219v [Ed. Vincke, *Schriftstücke* 155-61 no. 27, using this MS]); Oratores Venetorum, Oblatio (fol. 94v); Rupertus rex Romanorum, Constitutio procuratorum (fol. 290r-v [Ed. *Deutsche Reichstagsakten unter König Ruprecht III* ed. J. Weizsäcker (Deutsche Reichstagsakten VI; Gotha 1888) 489, 491]); Wenceslaus rex Bohemiae, Epistola (fol. 207r-208r [Prague, 19 iul.]); Incerti auctores, Deliberationes pro regimine ecclesiae tempore subtractionis obedientiae Parisiis factae (fol. 123r-v), Requisitio facta Antonio de Calvis (fol. 222r-223r).
- fol. 237r-244v <**Pseudo Isidorus, Decretales**, excerpta>
 /// publicantur. Nullus enim qui suis est rebus spoliatus ... (Finis) Dultitius Sancti Antimi (Anthonii *cod.*). (Colophon) Finit. (Ed. *Decretales pseudo-Isidorianae*, ed. Hinschius 18(VI)-24, 662-64.)
- fol. 245r-246v **Concilium Pisanum (1135)**
 (Rubrica) Sinodus Pisana. (Textus) Anno Dominice incarnationis M^o c^o xxxvi (*sic*) celebrata est sinodus Pisis ... (Finis) eis ulterius diuina non celebrabunt officia. (Ed. D. Girgensohn, 'Das Pisaner Konzil von 1135 in der Überlieferung des Pisaner Konzils von 1409', *Festschrift für Hermann Heimpel Vol. II* (Göttingen 1972) 1063-1100 at 1097-1100, using this MS (siglum R). Cf. the edition in MGH Const. 1, ed. L. Weiland, pp. 577-79.)
- fol. 291v-304v <Incertus auctor, **Nomina participantium in concilio Pisano (1409)** (Ed. G. di S. Teresa, 'Un nuovo elenco dei partecipanti al concilio di Pisa del 1409', *Ephemerides carmeliticae* 16 (1965) 384-411 at 391-411, from this MS.)
- fol. 310r-317r **Alexander V, Const. Rerum omnium summi** (Ed. Mansi 27.83-90.)
- fol. 317r-v <**Alexander V, Const. Hodie sententiam**>
 (Inscriptio) Venerabilibus fratribus ... salutem, etc. (Textus) Hodie sententiam nuper in generali concilio Pisano contra iniquitatis alumnos ... (Finis) ad uerbum de indulto huiusmodi mentionem. Dat. (This text refers to another text of Alexander, beginning 'Mandamus quatinus predictas litteras ...' It appears to be unedited.)
- fol. 318r-320r **Concilium Pisanum (1409), Constitutiones**
 (Rubrica) Copia constitutionum factarum in concilio Pisano. (Praefatio) <N>os omnes et singuli episcopi presbiteri et diaconi sancte Romane ecclesie cardinales insimul congregati ... (fol. 319r) (Textus) <S>acra et uniuersalis synodus prefata auditis dictis petitionibus factis ... (Finis) dimitti precipimus et mandamus. (Ed. J. Vincke, 'Acta Concilii Pisani', *Römische Quartalschrift* 46 (1938) 81-331 at 300-02, 302-03, Mansi 27.408-09; Vincke, ed. cit. 313, 313-14.)
- fol. 320r-324r **Alexander V, <Constitutiones>**
 (Invocatio) In nomine Domini. Amen. (Praefatio) Sanctissimus dominus noster dominus Alexander papa quintus sacro et generali approbante concilio ... (fol. 320v) (Invocatio) In nomine sancte et indiuidue Trinitatis Patris et Filii et Spiritus

sancti. Amen. (Textus) Nos Alexander diuina prouidentia papa quintus considerantes quod tam Petrus de Luna ... (Textus ultimus) Item dominus noster qui habundantia liberalitatis ... (Finis) quod de gratia premissa et remissione bulle conficiantur. (Ed. J. Vincke, 'Acta Concilii Pisani'. 316, 318, 320, 319, 322. This collection differs in order and in certain details from that in Vat. lat. 4904 fol. 66r-70r.)

fol. 325r-327v **Rupertus rex Romanorum, Const. *Super lamentabile***

(Ed. *Deutsche Reichstagsakten unter König Ruprecht III*, ed. J. Weizsäcker (Deutsche Reichstagsakten VI; Gotha 1888) 479-85.)

fol. 328r-329v <Tabula operum que continentur fol. 1-290>

Cat. Kristeller, *Iter II* 320. **Bibl.** Girgensohn, art. cit. 1065-67; Miethke, 'Schriften des Juan González' 284 n. 28.

The MS is a composite collection of polemics and muniments concerning the Schism. The collector was a member of the curia of Gregory XII, perhaps Cardinal Giordano Orsini (cf. Girgensohn); see the narrative notes at fol. 26v-27r, 91r-v, 103r-v, and 170r. The collector also wrote headings for individual works and notes on their contents; e.g. fol. 15r *margin*.

The texts are in a variety of hands and ink ranging from black and gray to several shades of brown. There is an initial B in red and blue on fol. 1r, with paragraph signs alternating red and blue on fol. 2r-11v. Capitals and rubrics are red on fol. 239r-244v. In the lower margin of fol. 1r are the arms of Antonio Carafa, with the inscription 'Antonii Card. Carafae Bibliothecarii munus ex testamento'. The names noted at the upper left hand corners of fol. 14r, 30r, 46r, 62r, 110r, 126r, 142r, 150r, 170r, 186r, 198r, 221r, 237r, 247r, 263r, 305r, and 321r may indicate sources of documents, since some end 'recepti' (e.g. fol. 222r). Quires are always marked with roman numerals in the upper margin of the first recto (from fol. 1r: primus quinternus through fol. 321r: XXII quinternus). The MS has a medieval foliation: 1-19, XX-CCLXXXX, continued by modern pencil: 291-329. In the lower margin of fol. 222v is a modern note 'f. 223v dopo f. 235'; fol. 223 is correctly numbered, just out of place. Fol. 45 and 236 are missing. <I>r is blank except for the name Franciscus yspanus recepti in the upper left corner, and some *probationes pennae* (e.g. 'Beatissimo patri Innocentio' and 'Cum fueris Rome'). Fol. 13v is blank except for a note. For the watermarks, cf. Briquet nos. 3298 and 3658. The 16th-century binding of leather over wood was repaired in the late 19th century. <I>, fol. 12r-13r, 90v, 141v, 148v, 149v, 162r-v, 185v, 220r-221v, 235v, and 324v are blank.

Vat. lat. 3529

saec. XIIlex.

224 fols. memb. 337 (199) x 211 (101) mm, origin France. Quaterniones, saec. XIIlex.

fol. 1ra-8ra <Incertus auctor, **Introductio ad Decretum `In prima parte agitur`**> (D.1-C.36) (See Vat. lat. 2584 fol. 2ra-9ra for further information.)

fol. 8ra-222ra <**Gratianus, Decretum**> (See Vat. lat. 1365 fol. 11rb-152ra for further information.) *Variants:*

(Rubrica) Titulus decretorum discordantium concordia ac primum de iure constitutionis et nature. (Colophon) Laudetur quia libri finis: habetur finito libro sit (laus *add. al. man.*) et gloria Cristo.

fol. 8ra-222ra passim <**Glossae in Decretum**> a. (fol. 119rb, 121va, et passim), h. (fol. 119ra, 167ra, et passim); R. (fol. 126rb, 133va, et passim); r. (fol. 118, 122ra, et passim); r.d. (fol. 122rb); sec. p. (fol. 167ra); sec. r. (fol. 170ra, 172ra).

(**Bibl.** P. Legendre, *La pénétration du droit romain dans le droit canonique classique de Gratien à Innocent IV (1140-1254)* (Paris 1964) 76 n. 4 and 107 n. 5; A.M. Stickler, 'Zur Entstehungsgeschichte und Verbreitung des Dekretapparats "Ordinaturus Magister Gratianus"', SG 12 (1967) 111-41 at 122, stating that the

- apparatus in this MS has no connection with 'Ordinaturus Magister'; R. Weigand, 'Die Glossen des Cardinalis (Magister Hubald?) zum Dekret Gratians, besonders zu C.27 q.2', *BMCL* 3 (1973) 73-95, esp. 88-90, using this MS (siglum Vd); idem, 'Frühe Glossen zu D.12 cc.1-6 des Dekrets Gratians', *BMCL* 5 (1975) 35-51 at 37-46, using this MS (siglum Vd) in editing early glosses; idem, 'Romanisierungstendenzen im frühen kanonistischen Recht', *ZRG Kan. Abt.* 69 (1983) 200-249 passim, esp. 201 and 210, using this MS (siglum Vd); idem, 'Glossen des Magister Rolandus zum Dekret Gratians', *Miscellanea Bandinelli* 389-423 at 405-11, editing a number of glosses from the MS (siglum Vd), 413, 415, 418, and 419; idem, 'Studien zum kanonistischen Werk Stephans von Tournai', *ZRG Kan. Abt.* 72 (1987) 349-61 at 352-61, on Stephanus's glosses in various MSS, including this one (siglum Vd), Dolezalek-Weigand, 'Geheimnis' 144 and 180-92; Sella, *Nuove sigle.*).
- fol. 223ra-224va <Incertus auctor, **Tabula Decreti versificata**>
(Praefatio) Dante deo metris decretum rado trecentis ... Vnica cum centum distinctio parte prior | Tradito, ordo docet. Pateat distinctio prima. (Rubrica *marg.*) Distinctio 1^a (*sequitur 2. etc. ante singulos versus*) (Textus) Perlegat hic quisque diuinum ius hominisque ... (Finis) supplens omnia reseransque superflua missa | Corrige ruetur tibi si uicium sit ibi (tibi^{ac}). (Colophon) Quem probat hostia tu prefulgens pontificatu pandendo iura rudibus cum sit tua cura. (**Bibl.** Cf. Walther, *Versanfänge* no. 4049.)
- fol. 224va <Wernherus de Schussenrieth, **Versus memoriales ante Compendium II partis Decreti**> (See Volume II, Addenda et corrigenda with Vat. lat. 1365 fol. 594vb for further information.) *Variant:*
(Finis) *versum* Diccio (*leg. Dicit?*) *add. cod.*

Corrections said to be on "back page" - which is lacking!

- fol. 224va <Incertus auctor, **Admonitio brevis**>
Vide o homo qui dimittere tuis debitoribus renuis, Christum ... (Finis) ut mori non ualeant offerentem.
Bibl. Kuttner, *Repertorium* 6, 12, 55-56; Scano, 'Manoscritti del Decreto' 67-68.

In prima parte and the *Decretum* are written in late Carolingian bookhand in black ink; the *Tabula versificata* and short pieces at the end are in various Gothic bookhands in brown ink. Fol. 1r has a full foliate border with inhabited medallions, the initial 'T' forming the left side of the border and the rest of the opening words *In prima* are in elaborate foliate letters which left no room for *parte*. The *Decretum* begins with a large initial 'H' in interlace design with inhabited vine scrolling, while the remaining letters of *humanum genus*, in foliate initials, are arranged in vertical columns beside the 'H'. Smaller interlace initials open each *causa* and *de cons.*; *de poen.* is not set off in the text in any way. Other initials alternate red and blue with penwork in the contrasting color. Capitals and paragraph signs also alternate red and blue, as do the letters and numerals in the margins identifying the *distinctiones* and *causae*. In the *Tabula versificata* each line is preceded by the number of the *distinctio* or *causa*, or *quaestio*, in red. The *paleae* are mostly omitted in this MS. Besides D.73, about a dozen appear in the text; another dozen have been added in the margins. On fol. 45r is a half-page table of roman numerals, Latin and Greek letters, and Greek names for letters and numbers, decorated in four arcaded columns in the manner of a canon table to explain the *littera formata* (D. 73) on the opposite page. (Cf. W. Cahn, 'A twelfth-century Decretum fragment from Pontigny',

Bulletin of the Cleveland Museum of Art 62 (1975) 47-59, for discussion of a similar example.)

In prima parte has summarizing glosses in the margins. The *Decretum* contains glosses of the second and third type (cf. Kuttner, *Repertorium*) in several hands, as well as summarizing glosses (which are framed), and corrections and *postillae* added in later hands. In the lower margin of fol. 203v have been added a passage from Cod. 9.13.1, 'Raptore uirginum honestarum ... fiat legitimum conjugium' and a canon of the 845 council of Meaux, 'Qui uero deinceps rapere ... sine spe conjugii perpetuo maneant', (Mansi 14.834-35, c. 66). Pricking is sometimes visible. Catchwords are at the lower right edge, but frequently cut away. Centered running heads start on fol. 9r; a second set in the upper right corner of the recto, added later, makes special note of *de poen.* The shelfmark '3529' appears on fol. 1r, and on fol. 224va is the phrase 'Ave maria gratia plena dominus tecum' as a *probatio pennae*. The MS has a mid-19th century red leather binding. Fol. 222v is blank.

Vat. lat. 3530

saec. XVI.2

Prov. Antonio Carafa, card. 1568-91.

<II> + 296 fols. chart. 322 (224) x 231 (149) mm, origin Italy. Quiniones, saec. XVI.2.

<II>r-fol. 295r <**Gregorius de sancto Chrysogono, Polycarpus**> (See Vat. lat. 1354 fol. 1r-177v for further information.) *Variants:*

<Rubrica epistolae dedicatoriae deest.> (Inscriptio) Domino *pro* D.D; sanct^e *pro* sancte (Rubrica libri primi) epistola *pro* epistolis (Textus) Vt que *pro* Atque; hoc *om.*

The MS is written in a 16th-century cursive in dark brown ink. It was probably copied from Vat. lat. 1354 (for example, it has the same opening of Book 1 and also imitates the division of the final word, 'caelis', by widely spaced letters as was done in 1354). It was copied for the use of the *Correctores Romani* and has extensive marginal notations - references to Gratian, summaries, corrections of scribal errors - perhaps made by one of the *correctores*. It is undecorated. On <I>v is the note: 'Antonii card. Carafae bibliothecarii munus ex testamento'. The modern numeration actually begins on the second folio of the first quire, so that <II>r is the true beginning of the codex. For the watermark, cf. Briquet no. 13889. The MS is in an old parchment binding, perhaps original. <I>r and fol. 295v-296v are blank.

Vat. lat. 3531

saec. XVI

Prov. Antonio Carafa, card. 1568-91. **Scr.** Pedro Chacón (annotator).

<II> + 235 fols. chart. 353 (241) x 241 (145) mm., origin Italy. Quiniones, saec. XVI.

fol. 1r-3v **Ordo de celebrando concilio** (See Barb. lat. 535 fol. 4v-6v for further information.)

fol. 3v-4r <**Appendix ad ordinem de celebrando concilio**> (See Barb. lat. 535 fol. 6v-7r for further information.) *Variant:*

(Textus) dominus uel domina *pro* domnus uel domna.

fol. 4r-6r <**Pseudo-Leo IV, Admonitio synodalis**> (See Vat. lat. 1355 fol. 310r-311v for further information.) *Variants:*

(Rubrica) Incipit sermo quem sanctus Leo papa composuit in synodo dicendum.

(Finis) et Spiritu sancto ... seculorum. *om.*

fol. 6v **Exemplar libertatis** (See Barb. lat. 535 fol. 9r for further information.)

fol. 6v-7r <**Epistola formata dimissoria seu commendatoria**> (See Barb. lat. 535 fol. 9r-9v for further information.) *Variants:*

(Inscriptio) Aduentius *om. et vacuum remanet* (Textus) Nicea *om.* (Finis)

firmitatem *pro* fraternitatem (Appendix) uos *pro* uero; curam *pro* curamus.

- fol. 7r-10v <**Isidorus Hispalensis (s.), Etymologiae**, excerptum> (Lib. 9 cc. 6-7) (See Barb. lat. 535 fol. 9v-12r for further information.)
- fol. 10v <**De verbo 'stemma'**> (See Barb. lat. 535 fol. 12r for further information.) (In the margin, at the beginning of this passage is the note 'Hec non sunt Isidori'.)
- fol. 10v <**Quando anima in corpore introit**> (See Barb. lat. 535 fol. 12r for further information.)
- fol. 10v-11r **Augustinus** <(s.), **De diversis quaestionibus octaginta tribus**, excerptum> (Quaestio 56) (See Barb. lat. 535 fol. 12r-12v for further information.) *Variants:* (Rubrica) aedificationis *pro* aedificati (Finis) quoque *add. post* tot
- fol. 11v-12r <**De septem gradibus consanguinitatis**> (See Barb. lat. 535 fol. 13v-14r for further information.) *Variant:* quos nec *pro* quas.
- fol. 12v-234r **Anselmus Lucensis (s.), Collectio canonum**, recensio Bb, imperfecta (See Barb. lat. 535 fol. 14v-207r for further information.) *Variants:* (Rubrica tabulae capitulorum libri primi) desideranter *pro* desiderante (Rubrica textus) Cap. I *add.* (Canon ultimus, Inscriptio) Leo episcopis Constantinopolitanis. (Textus) Si uix (*om. ed.*) in laicis intolerabilis uidetur inscientia, quanto magis in his qui presunt, nec excusatione est digna nec uenia. (The text ends at Book 7, c. 101 [p. 404] of the edition. In this copy, the last canon is Book 7 c. 119; 201 canons are listed in the table of contents for Book 7. The last ten words of the canon are in a new hand. Below it, in another hand, is the note 'Reliqua huius libri VII, cum sex libris sequentibus qui hic desiderantur, habentur in codice 4983'. In the margin of fol. 16r, next to the rubric for canon 1, the long rubric preceding the table of contents for Book 1 is repeated.)
- Bibl.** P. Fournier, 'Observations sur diverses recensions de la collection canonique d'Anselme de Lucques', *Annales de l'Université de Grenoble* 13 (1901) 427-58 at 450, repr. in Fournier, *Mélanges* 635-66 at 658; Fournier-Le Bras, *Histoire* II 193 n. 1; Ballerini, *De antiq. coll.* PL 56.326, citing this MS as a recent copy of Anselm and noting its incomplete nature; Kuttner, 'Some Roman Manuscripts' 15, stating that this MS is an incomplete copy of Barb. lat. 535, made for Cardinal Carafa.

The MS is written in brown ink by a single scribe, except as noted, in a handsome secretarial cursive. According to Kuttner, the neat marginal notations, often referring to Gratian's *Decretum*, are by Pedro Chacón. There is no decoration. On <II>v is the note 'Antonii Card. Caraphae bibliothecarii munus ex testamento'. For the watermark, cf. Briquet no. 209. The MS has an old parchment binding, perhaps original. <I>r is blank except for the shelfmark; <I>v-<II>r, and fol. 234v-235v are blank.

Vat. lat. 3543

saec. XVmed. (ca. 1445)

Prov: Antonio Carafa, card. 1568-91. **Scr.** Andreas de Panigaliis; Michael Galteri (corrector). <II> + 91 fols. 16 + <I> memb. 357 (215) x 275 (185) mm, origin Switzerland (Basel). Quiniones, saec. XVmed. (ca. 1445).

fol. 1r-91r **Concilium Basileense, Epistolae et responsiones synodales**

(Epistola prima) (Rubrica) Epistola synodalis de conuocatione Bohemorum ad concilium. (Inscriptio) Sacrosancta generalis Synodus Basiliensis in Spiritu sancto legitime congregata ... (Textus) Compulit nos caritas Christi egredi de terra nostra et cognatione nostra ... (fol. 87v) (Epistola ultima) (Inscriptio) Sacrosancta

generalis synodus Basiliensis in Spiritu sancto legitime congregata uniuersalem ecclesiam representans ... (Textus) Magnum uirtutis opus serenissime princeps ... (Finis) ac aliorum sacrorum generalium conciliorum auctoritatis defensione dirigere dignetur omnipotens Deus. Datum Basilee ii non. ianuarii anno a natiuitate Domini Millesimo quadringentesimo quadragesimo quinto. (Subscr.) A. de Panigaliis. (*al. man.*) Concordant epistole et responsiones synodales suprascripte cum originalibus ipsius sacri concilii facta collatione per me notarium ipsius sacri concilii.. Michael Galteri (*signum notarii*) notarius.

Cat. Kristeller, *Iter* II 320. **Ed.** This collection resembles that in Mansi 29.233-376; but it transposes 5 and 6, places 14 between 10 and 11, and lacks 18-20. It also adds 3 other letters: fol. 64r-65v 'Solicitudinem generalium' (cf. Mansi 29.178-79); fol. 80r-84v 'Etsi te principes'; fol. 87v-91r 'Magnum uirtutis opus'. Corrections and critical observations signed by Michael Galteri are e.g. on fols. 23r, 30v, 47r, 48r, 80r. Michael was a notary, Andreas de Panigaliis a scriptor of the Council; see J. Dephoff, *Zum Urkunden- und Kanzleiwesen des Konzils von Basel* (Hildesheim 1930) 65 und 84.

Fol. 91v has been crossed out, and only 'Sacrosancta' appears on <I>r-v. That word is written in display script at the beginning of each letter. Catchwords are at lower right. On fol. 1r appear the Carafa arms and 'Antonii Car. Carafae Bibliothecarii munus ex testamento.' The MS has a 19th-century leather binding. <I-II> and fol. 17r-18v are blank.

Vat. lat. 3544

saec. XV (1479)

Prov. Antonio Carafa, card. 1568-1591.

<II> + 76 fols. chart. 343 (234) x 241 (159) mm, origin Italy (Naples). Seniones, saec. XV (1479).

<I>ra-<II>vb, fol. 1ra-76vb (*rect.* fol. 1ra-14va, <I>ra-<II>vb, fol. 15ra-76vb)

Johannes Antonius Carafa (+1481) <Reportationes in Decretales> (X 5.1.1-5.1.12, 5.1.19 ?, 2.28.10-2.28.56)

(fol. 1ra) (Rubrica) Incipiunt reportata per eximium u.i. doctorem dominum Ioannem Carafam Neapolitanum tempore pestis. Anno a natiuitate Domini M^o cccc^o lxxviii^o. De accusationibus inquisitionibus et denunciationibus. (Textus) <C>ontinuatur ista rubrica secundum dominum Antonium de Butrio (Lemma primum) c. *Si quis episcopus*: (fol. 1rb) Iste c. propter eius breuitatem /// ... (Finis) non posset apparere ///

Bibl. Petrucci, DBI 19. 564s.

This MS is badly preserved, <I-II> being mutilated. The texts are incomplete, suggesting the loss of other leaves. The text is written in an awkward cursive in dark brown ink with some *verba* left blank. Rubrics and some capitals are red. These notes appear on <I>r: 'Iohannis Carafae Neapolitani reportata in titulo extra de accusationibus an. 1479 tempore pestis'; 'Antonii Cardinalis Carafae Bibliothecarii munus ex testamento'. Catchwords are vertical at lower right. The MS has an 18th-century parchment binding.

Vat. lat. 3555

saec. XIVex./XVin. (?)

<II> + 67 fols. + <I> memb. 210 (135) x 140 (85) mm., origin Italy. Quiniones, saec. XIVex./XVin. (?).

<I>r-<II>v <**Pseudo-Morbisanus, Epistola ad Romanum pontificem**

(Rubrica) Copia litterarum Turcorum. (Inscriptio) Molbasanus (sic) hebrei Igesie (et Gesii *ed.*) cum suis fratribus Cerabi Eiusbait imperatoris Organi collaterales pugiles in partibus Achere domini. Magno sacerdoti Romanorum iuxta merita dilecto. (Textus) Nuper auribus nostris intonuit ... (Finis) et septentrionalem plagam presertim Cloaciam (*recte* Croaciam) et Dalmaciam uisitare. Datum Anno Mahumeti septingentesimo XV (quadragesimoquinto *ed.*). In introitu mensis Lasbeu (Hasten *ed.*). (**Ed.** Pio II, *Lettera a Maometto II (Epistola ad Mahumetem)*, ed. G. Toffanin (Napoli 1953) 181-82 (app. I). **Bibl. Ed.** cit. xix-xxii; F. Babinger, 'Pio II e l'Oriente maomettano', *Enea Silvio Piccolomini Papa Pio II* (Siena 1968) 1-13 at 9 and F. Gaeta, Alcune osservazioni sulla prima redazione della 'Lettera a Maometto', *ibid.* 177-86 at 179.

fol. 1r-25r <Incertus auctor>, **Liber de modo poenitentiae**

(Rubrica) Incipit liber de modo penitencie. (Textus) Cum certissime sciam omne seruicium quod pauperibus suis impenditur ... (Finis) postea uero sacerdos dicat oracionem: Intercedat pro te beata et gloriosa.(cetera desunt)

fol. 25v-61v <**Concilium Lateranense IV (1215)>, Constitutiones**

(Rubrica) Incipiunt constitutiones Innocentii III pape. De fide catholica. Capitulum primum. (Textus) Firmiter credimus et simpliciter confitemur ... (Finis) ut eis digne proficiat ad salutem. Amen. (**Ed.** *Conc. oecum. decreta*, 24 ed. C. Leonardi 230-71. **Bibl.** A. Garcia y Garcia, *Constitutiones concilii quarti Lateranensis una cum Commentariis glossatorum* (MIC ser. A: corpus glossatorum 2; Città del Vaticano 1981), describing this MS at 134 and using it (sigla V1 and V1¹⁻²) for the edition of the rubrics.)

fol. 61v <Incertus auctor, **Narratio concilii quarti Lateranensis**> (1215)

(Textus) Anno ab incarnatione uerbi M^o CC^o XV^o celebrata est sancta uniuersalis synodus Rome in ecclesia Saluatoris que Constantiniana uocatur ... (Finis) etiam aliorumque locorum ingens affuit multitudo. (**Ed.** Mansi 22.955. This text circulated widely and is often found incorporated into chronicles.)

fol. 62r-63r Incertus auctor, <**Narratio longior concilii quarti Lateranensis**> (1215)

(Invocatio) In nomine domini nostri Iesu Christi. Amen. Anno incarnationis ipsius Mo CCo XVo mense novembri, decimo die ... indictione iiii. (Textus) In conspectu summi patris et secundi post Petrum apostolum principis ... (Finis) municionem constituit ex eodem. (**Ed.** and **Bibl.** S. Kuttner and A. Garcia y Garcia, 'A new eyewitness account of the fourth Lateran Council', *Traditio* 20 (1964) 115-78 at 171-74. This MS contains the only known copy of the text.)

fol. 63v-64r **Innocentius III, Epistola ad soldanum al-'Adil** (Po. 4719 et 5186)

(Inscriptio) Innocencius episcopus etc. Nobili uiro Caphedino soldano Damasci et Babilonie timorem diuini nominis et amorem. (Textus) Audisse te credimus quod multi reges et principes ... (Finis) Deus qui superbis in terra resistit et humilibus gratiam impartitur. Datum. Lateran. (**Ed.** E.R. Lupprian, *Die Beziehungen der Päpste zu islamischen und mongolischen Herrschern im 13. Jahrhundert anhand ihres Briefwechsels* (Studi e Testi 291; Città del Vaticano 1981) 110-14, using this MS; PL 216.831-32 is a shorter version of this letter.)

fol. 64v-65r **Guilielmus <II rex Siciliae, Mandatum ad fideles regis>**

(Inscriptio) Gulielmus Dei gratia rex Sicilie ducatus Apulie et principatus Capue ... (Textus) Oderisius uenerabilis Valuensis episcopus fidelis noster ostendit maiestati nostre dicens ... (Finis) in quibus opus fuerit auxilium et consilium tribuatis. Datum Salerni ultimo die Madii. Indictione V. (**Ed.** and **Bibl.** H. Enzensberger, *Beiträge zum Kanzlei- und Urkundenwesen der normannischen Herrscher Unteritaliens und Siziliens* (Münchener historische Studien Abteilung geschichtl. Hilfswissenschaften 9; Kallmünz 1971) 143-44, using this MS.

fol. 65v-67v <Tabula contentorum>

The MS is written in gray-green ink by two hands. The major scribe wrote an Italian humanistic script; a slightly later hand added the table of contents on fol. 65v-67v. There are large capitals in red or blue; those at the beginning and end of the *Liber de modo poenitentiae* and the beginning of the canons of Lateran IV have penwork in the contrasting color. Rubrics are red. The ink has faded or chipped on several pages. The MS was ruled with lead. Catchwords are framed at the lower right; there are traces of an old foliation system in the lower right corner of some rectos. Marginalia are very few, in several hands. The MS is bound in red leather, 18th-century work refurbished in the mid-19th century.

Vat. lat. 3572

saec. XV (1441)

Prov.: Eugene IV (1431-47)

8 fols. memb. 212 (125) x 137 (72) mm, origin Italy (Florence). Quaternio, saec. XV (1441).

fol. 1r-8v **Marcus Antomassinus, Tractatus de modis in iure studendi**

(Rubrica) Ad sanctissimum patrem et dominum dominum Eugenium summum pontificem q<uartum>. (Dedicatio) Ecce sanctissime pater opusculum presens tue uere sanctitati deuoueo ...(Rubrica textus) Marci Antomasini legum doctoris de modis in iure studendi tractatus incipit feliciter. Ad illustrem lectorem. (Praefatio) Non eram nescius lector illustris si quid in iure conscriberem

(fol. 1v) (Textus) Duo sunt in iure perturbantes hominum mentes et animum (fol. 8r)

(Finis) esse similis legi uel capitulo ipsam questionem terminanti.

(Epilogus) Habes tandem lector illustris munus mea quidem sententia magnum ...

(fol. 8v) intelligentiam extendere poteris pro tui necessitate. Datum lectum et publicatum in alma uniuersitate studii Florentini sub magnifico et generoso uiro domino Antonio Mauraceno rectore prelibate uniuersitatis dignissimo Veneto ae milite Yerosolimitano qui ad maiorem cautelam mandauit imponi sigillum uniuersitatis predictae. Quibus si qua male dicta fuerint corrigendum subiicio.

Anno Domini millesimo quadringentesimo quadragesimo primo die xii februarii pontificatus sanctissimi domini nostri pape Eugenii q<uarti> anno decimo.

Explicit.

Cat. Kristeller II 321, 581. **Bibl.** E. Müntz and P. Fabre, *La Bibliothèque du Vatican au XV^e siècle* (BEFAR 48; Paris 1887) 22.

The MS is written in a Roman round script in dark gray ink. An illuminated E with white vining and the arms of Eugenius IV appears on fol. 1r. Capitals are red or blue. The MS has its original blind stamped red leather binding.

Vgl. Girgensohn, in; München Proceedings 541f.

Vat. lat. 3786

saec. XVI

<IX> + 302 fols. chart. 326 (226) x 221 (146) mm, origin Italy. Quaterniones, saec. XVI.

<II>r-302v <Collectio Avellana> (See Vat. lat. 3787 for further information.) *Variant:*

(Finis) habentes prae oculis iudicium maiestatis superne modis omnibus festinare dignamini.

Bibl. *Avellana*, ed. Günther, describing this MS at Part 1, p. xxvi, where he states that it is copied from Vat. lat. 3787. It ends with Epistola 243, although the table of titles includes Epistola 244. This MS is mentioned, in connection with Vat. lat. 3787, in Maassen, *Geschichte* 787; S. Leo Magnus, *Opera*, ed. Ballerini PL 54.563; and Ballerini, *De. Antiq. coll.* PL 56.180.

The MS is written in brown ink by a single scribe using a formal notarial script. Contemporary occasional rubrics, comments, and corrections appear in the margins. The folios holding the table of titles are unnumbered, the contemporary foliation beginning with the first letter of the collection. On <I>v are the notes 'Aliud exemplar prorsus simile extat in hac bibliotheca numero 4903' and 'Autographum uero numero 4961 et 3787'. There is no decoration. The quires are marked by a capital letter in the bottom right corner of the first recto and a catchword directly below the writing space and against the inner margin line on the last verso. No watermarks are visible. The parchment binding is from the late 18th-century. <I>v and <VII>r-<IX>v are blank.

Vat. lat. 3787

saec. XIin.

antea 503.

<II> + 163 fols. + <II> memb. (chart.: fol. 113, 138) 313 (242) x 219 (172) mm, origin Italy. Quaterniones, saec. XIin.

fol. 1ra-163rb <Collectio Avellana>

(Rubrica) Continet hic codex <relegens que> creueris infra. Tabula epistolarum.

<Tabula titulorum> ... (fol. 2va) (Rubrica) In hoc codici continentur epistole

CCXLII. I. Que gesta sunt inter Liberium et Felicem episcopos. (Textus)

Temporibus Constantii imperatoris filii Constantini durior orta est persecutio

Christianorum ... (Finis) Sicima uero ad partem est aquilonis Hiericho in

occidentem uergens distans ab Hiericho milibus quinquaginta duobus ///

Ed. and Bibl. *Avellana*, ed. Günther, using this MS (siglum V), with a comprehensive description at Part I, pp. iii-xvii; O. Günther, *Avellana-Studien*, Sb. Akad. Vienna (Wien 1896) passim; Ballerini, *De antiq. coll.* PL 56.179-90; S. Leo Magnus, *Opera*, ed. Ballerini PL 54.563-66; Maassen, *Geschichte* 787-92, Maxentius aliiue Scythae monachi necnon Ioannes Tomitanae urbis episcopus, *Opuscula*, ed. F. Glorie (CCL 85A; 1978) 115-21, using this MS (siglum V); *Acta conc. oecum.*, ed. E. Schwartz 4.2 pp. 44 line 10-46, line 18, using this MS (siglum V).

The manuscript was written in brown ink by nine scribes, all using variations of late Carolingian minuscule, except fol. 113 and 138 which were inserted in the 16th century to replace folios which were lost. See Günther for a detailed description of the scripts. Sparse marginalia occur; some, in a contemporary or slightly later hand, note important words or statements in the text. Others are in 16th- and 17th-century cursives. Decoration is limited to some red underlining by the first scribe, especially in the table of contents

on fol. 1r-2v, and minor penwork on the enlarged capitals which begin each letter. On <I>v a modern hand has written a note that this MS is in the inventory found in Vat. lat. 6949 (fol. 178v). On a piece of paper glued to <II>r is a 15th-century description of the MS (see Günther p.III). Below it, in a late 16th-century hand, is the notation 'Ex pluteo vii in quo exstant canoniste. In bibliotheca publica ad sinistram ingredientibus per portam maiorem bibliothecae apostolice'. The former shelfmark '503' (misread by Günther as 903) appears at the top of fol. 1r and several times on fol. 163v. Quires are normally marked by a roman numeral, usually centered on the last verso, but occasionally on the first recto. Catchwords appear, irregularly, close to the lower edge and next to the binding. The parchment was lined in dry point, and compass prickings are visible in mid-margin along the leading edge of each leaf. The red leather Vatican binding over wood boards is from the end of the 17th century. <I>r, <II>v, fol. 163v (except for the shelfmark '503'), and <+I>r-<+II>v are blank.

Vat. lat. 3788

saec. XI^{lin.}-XII^{med.}

215 fols. memb. 319 (242) x 230 (163) mm; origin Italy. Quaterniones, saec. XI^{lin.}-XII^{med.}

fol. 1ra-4vb <**Liber pontificalis**>, fragmentum

[Zepherinus] /// Hic constituit praesentia (ut presentibus *cod.*) omnibus clericis et laicis fidelibus ... (Finis) Felix ... xvii kal. decenbris (*sic*) in pace. Et cessavit episcopatus dies xxxviii. (**Ed.** *Liber Pontificalis*, ed. Duchesne I 139-172, 187-205, 211.)

fol. 5ra <**Nomina pontificum romanorum**>, fragmentum (Eugenius II - **Adrianus II**)
(The names present are numbered 'CI' through 'CVIII', suggesting that at least one previous folio is missing.)

fol. 5ra-rb <**Nomina patriarcharum Constantinopolitanorum**>

(Alexander to Ignatius (+877) are listed. This and the previous fragment of a list are in the same hand.)

fol. 5va-8vb, 12ra-197va <**Pseudo-Isidorus, Decretales**> (See Vat. lat. 630 fol. 1va-309rb for

further information.) *Variants*: (fol. 5va) <Tabula> ... (fol. 12ra) (Rubrica) De diligentia corporis Domini. (Inscriptio) Clemens Romanae ecclesiae presul Iacobo karissimo et (*om. cod.*) Hierosolimorum episcopo. (Textus) Quoniam sicut a beato Petro apostolo accepimus omnium apostolorum patre ... (Finis) dominus uos custodiat dilectissimi fratres incolumes super. Data vii kal. nouembris Flauio et Stilicone uu. cc. cons. (**Ed.** *Decretales pseudo-Isidorianae*, ed. Hinschius 46-252, 449-478, 494-498, 478-494, 498-508. Most variants of this MS are characteristic of Hinschius's class A-2. The readings in this MS are closest to those designated by Hinschius as from 'Dst.'. **Bibl.** *Collectio canonum Remedio Curiensi episcopo perperam ascripta*, ed. H. John MIC, ser. B, Corpus collectionum (Città del Vaticano 1976), assigning fol. 5v-107v to his class A2_R pp. 62-64 and using this MS in his edition of the Pseudo-Remedius (siglum Vt); Fuhrmann, *Einfluss und Verbreitung* 375 n. 55; *Das Constitutum Constantini (Konstantinische Schenkung) Text*, ed. H. Fuhrmann (Fontes Iuris Germanici antiqui 10; Hannover 1968) 28, and 55-80 editing fol. 154r-156v, using this MS (siglum C_{Vat}). The table on fol. 5va-8vb originally continued into fol. 11ra, but that column has been erased and is now blank. The table now breaks off in the first letter of Damasus. As John has noted, the change of hand at fol. 107/108 is accompanied by a change of exemplar. Beginning on fol. 108ra, the text no longer follows the preceding table,

- but follows the Tradition of 'Dst.' in Hinschius's edition and includes many more letters than are listed in the table. The *De dampnatione quorundam hereticorum* is incomplete, breaking off at the bottom of fol. 192ra at 'Si quis non dixerit quod in carne quam assumpsit ///' (ed. 500.19); fol. 192rb is blank, and the first two lines of fol. 192va have been erased. The text then continues correctly with the letter of Stephan to Damasus (ed. 501). The text is heavily corrected to the more common A-2 class readings by a hand contemporary with the continuation (fol. 108ra et seq.). See John for a discussion of these textual relationships.)
- fol. 9ra-10va <**Pseudo-Clemens I**>, **Epistola ad Jacobum**, fragmentum
(Rubrica) Epistola Clementis ad Iacobum. (Inscriptio) Clemens Iacobo domino (et add. cod.) episcopo episcoporum ... pax tibi sit semper. (Textus) Notum tibi facio domine quia Symon Petrus ... (Finis) et ciuitatem regis summi, que pax nominatur. (Ed. *Decretales pseudo-Isidorianae*, ed. Hinschius 30-34. Only the first 13 chapters are present. Three-quarters of fol. 10va are blank.)
- fol. 11rb-vb <**De officiis presbyteri et diaconi**>
(Rubrica) Ex dictis beati Petri apostoli ad Clementem episcopum. (Textus) Ad officium (offium^{ac}) presbyterorum pertinent ista ante omnia ... (Excerptum ultimum) Diaconi uero ecclesiae tanquam oculi episcopi sint ... (Finis) et disciplinam eius pertinent diaconis cura sit. (These four excerpts were added to previously vacant columns by a later hand than that of the *Decretales*. The first, second, and fourth are three excerpts from the first letter of Pseudo-Clement (Ed. *Decretales pseudo-Isidorianae*, ed. Hinschius 32.32-37, 33.7-12, and 34.1-7 and 14-20). The third is a line from Isidore of Seville's spurious *Epistola ad Leudefredum* followed by additional material on duties of the presbyter. **Bibl.** Reynolds, 'Epistula' 265, 270 n. 81, 271, and 307-08; *Collectio canonum Remedio Curiensi episcopo perperam ascripta*, ed. H. John (MIC, ser. B Corpus collectionum 2, Città del Vaticano 1976) 74, identifying the excerpts.)
- fol. 191va-vb **Fides Damasi**
(Rubrica) Fides Niceni concilii a Damaso papa ad eundem Paulinum directa. (Textus) Credimus in unum Deum ... (Finis) hos anatematizat catholica et apostolica ecclesia. (Ed. Turner, *Monumenta* I 283. This was added by the corrector between the rescript of Jerome to Damasus and the *De dampnatione quorundam hereticorum*.)
- fol. 192ra marg. <**De sacerdotibus qui de ecclesiis suis ad alias migrant ecclesias**>
Eos autem sacerdotes qui de ecclesiis suis ad alias (ecclesiam cod.) migrauerunt ... (Finis) quamdiu successor eius quiescat in Domino. (Ed. *Decretales pseudo-Isidorianae*, ed. Hinschius 516. This short text was added in the upper margin by the corrector with a reference mark incorrectly placing it in the midst of the *De dampnatione quorundam hereticorum* - here incomplete.)
- fol. 197vb-198ra <**Pseudo-Stephanus, Epistola Hilario episcopo directa**>, excerptum
Infames illos esse dicimus qui pro aliqua culpa ... (Finis) nec penitentes, nec digamini, nec heretici, nec excommunicati. (Ed. Cf. *Decretales pseudo-Isidorianae*, ed. Hinschius 182 line 2 et seq., of which this is a variant. The text follows immediately after the *Decretales* collection without any change of hand or marginal note.)
- fol. 198ra-200rb <**Constitutum**> **Silvestri**

(Rubrica) Incipiunt canones Siluestri episcopi domino Constantino augusto.
(Textus) Eodem tempore cum multi nobiles (Incipiunt ... episcopi. Domino Constantino augusto eodem tempore *cod.*) ... (Finis) neque a populo (aliquo *add. cod.*) iudex iudicabitur. (Subscriptiones) Et subscripserunt cclxxxiiii episcopi et xlv presbyteri ... Domno Constantino augusto tertio (quarto *cod.*) et Prisco consulibus. (**Ed.** Mansi 2.620-32, following *editio II* with the variants of the Lucca MS. **Bibl.** Maassen, *Geschichte* 411-13.)

fol. 200rb-207ra <**Pseudo->Hieronymus, De septem ordinibus ecclesiae**

(Rubrica) Incipiunt vi. (*leg.* vii.) gradus aeclesiastici beati Ieronimi (fol. 200va) presbyteri ad Rusticum Narbonensem episcopum. (Textus) Sufficere quidem fidei tue arbitror conuersationem sanctam ... (Finis) sed qualis esse, iam stilo fauente descripsi. (**Ed.** PL 30.152-167B, the MS lacks the last 25 lines of the PL edition. **Bibl.** J. Lechner, 'Der Schlußsegen des Priesters in der heiligen Messe', in *Festschrift Eduard Eichmann zum 70. Geburtstag*, ed. M. Grabmann and K. Hofmann (Paderborn 1940) 651-84 at 666(-70) n. 50. The corrector added an alternate address: 'Patroclum episcopum'.)

fol. 207ra-208rb <**Concilium Romanum**> (595) (See Vat. lat. 1342 fol. 190r-191v for further information.) *Variants:*

(Rubrica) Incipit decretum beati Gregorii pape urbis Rome. (Praefatio) Regnante in perpetuum domino nostro (Deo^{ac}); piissimi ac serenissimi domni (piissimi domni^{ac}) (Textus) In sancta hac (ac^{ac}); Dei *add. post* ecclesia (Finis) qui (pro *add. corr.*) diuino obsequio *pro* qui diuini obsequii <Subscriptiones desunt.>

fol. 208rb-209va <**De separatione matrimonii**>

(Rubrica) De his qui propinquas sanguinis uxores ducunt et separantur non eis licebit alias uxores sibi in coniugio sotiare quamdiu utrique uiuunt. (Textus) Hi uero qui uxores suas scorto in adulterio deprehendunt ... (Finis) dum nos insimul domino auxiliante conueniamus. (Colophon) Gracia Domini uobiscum. Amen. (**Bibl.** *Decretales pseudo-Isidorianae*, ed. Hinschius, xliii. The opening statement is also found at C.32 q.7 c.22.)

fol. 209va-214rb **Gregorius <I (s.), Libellus responsionum>**

(Inscriptio) Reuerentissimo fratri Augustino episcopo Gregorius seruus seruorum Dei. (Textus) Perdilectissimos filios meos (dilectissimum filium meum *cod.*) Laurentium presbyterum et Petrum monachum ... (Finis) captius ex dilectatione (dilectione^{ac}), quam portat inuitus. (**Ed.** MGH Epp. 2, ed. P. Ewald and M. Hartmann, pp. 332-43. **Bibl.** JE 1843; P. Meyvaert, 'Bede's text of the *Libellus Responsionum* of Gregory the Great to Augustine of Canterbury', in *England before the Conquest: Studies in Primary Sources presented to Dorothy Whitelock*, ed. P. Clemoes and K. Hughes (Cambridge 1971) 15-33; P. Meyvaert, 'Les «Responsiones» de S. Grégoire le Grand à S. Augustin de Cantorbéry', RHE 54 pt. 1 (1959) 879-94 at 881; see also Vat. lat. 619 fol. 147rb-151ra and Vat. lat. 1343 fol. 61r-65v. According to the criteria laid out by Meyvaert, this is a 'letter' version of the *Libellus* corrected to a 'question and answer' version of the insular type. As a result, the corrections at times are massive. According to P. Meyvaert (correspondence of 28 May 1986), it appears the corrections are based on a MS very close to Vat. lat. 1344, if not that MS itself. The order of responses is peculiar, with the *Obsecratio* appearing, between responses VI and IV, which are

- then followed by V, VII, and VIII.)
- fol. 214rb **Gregorius <I (s.)>, Epistola ad Leandrum**, excerptum
(Rubrica) Epistola eiusdem Gregorii papae ad [A]Leandrum Spalensem episcopum. De simpla mersione baptismatis. (Textus) De trina mersione baptismatis nichil respondi uerius potest ... (Finis) resurrectio tridui temporis exprimatur. (Ed. MGH Epp. 1, ed. P. Ewald and M. Hartmann 57.17-20. The hand changes here. The same hand wrote this and the following two texts.)
- fol. 214va-215rb <**Concilium Romanum**> (721) (See Vat. lat 1342 fol. 191v-193r for further information.) *Variants:*
<Rubrica deest.> (Praefatio) nostro *om.* (Canones) <Rubrica deest.> (Textus) coniugium *pro* coniugio <Subscriptiones et datum desunt.>
- fol. 215rb-vb **Gregorius <VII, Concilium Romanum** (Aut. 1078), Canones> imperfecti (See Vat. lat. 629 fol. 268rb-va for further information.) *Variants:*
(Rubrica) capila (*sic*) *pro* capitula (Finis) Quod si fecerit officii sui periculum subeat /// (Ed. MGH Epp. Sel. 2.2, ed. E. Caspar, pp. 402-405. 16. Only 1(1)-8(21) and 10(26) are present. They are numbered I through VII, the last not numbered.)

Bibl. *Decretales pseudo-Isidorianae*, ed. Hinschius, xv, xlii, xlvii-xlviii, Williams; *Codices pseudo-Isidoriani* 67 (no. 71); *Collectio canonum Remedio Curiensi episcopo perperam ascripta*, ed. H. John (MIC, ser. B, Corpus collectionum 2; Città del Vaticano 1976) 62-66, 71-75, correcting Hinschius's description; Arevalo, *Isidoriana* PL 81.800-01.

The MS was constructed over an extended period of time. While the scripts are all versions of Carolingian minuscule and of Italian origin, the oldest (fol. 12ra-107vb) are from the early 11th century and the youngest (fol. 9ra-10vb) is definitely from the 12th century. The original MS is composed of fol. 5v-8v and 12r-107v, with a change of hand at fol. 85r. The remainder of the *Decretales*, as laid out in the table on fol. 5v-8v, was either lost or never completed. Several slightly younger hands finished the *Decretales*, with obvious changes of hand at fol. 147/148 (end of quire 18, the last quire numbered) and 155/156. The catalogues on fol. 5r are by an older hand than the continuation of the *Decretales*. The fragment of the *Liber pontificalis* is of separate origin and was later bound at the front of the codex. Several of the first quires have been severely disarranged. Fol. 9-10, written in a 12th-century hand, were artificially inserted at the end of the table to hold the first letter of Clement, missing from the collection in its original form. The outside leaves of quires two and six (fol. 15, 22, 47 and 54) are lost and have been replaced by modern parchment, left blank except for the modern folio numbers. Folios are also lacking, with no blank inserts, between fol. 48 and 49 and between fol. 52 and 53. For the extent of the resulting lacunae, see Hinschius, p. xlviii n. 2. The annotator who corrected the *Decretales* also corrected fol. 197vb-214rb. The ink throughout is brown, on fol. 12-107 it has often run badly. Fol. 21v is badly faded and chipped, sections have been rewritten in a 12th-century hand. The rubrics and undecorated capitals are red. Most quires are marked by 'Q' and a roman numeral. There are two numbering systems: an old system in roman numerals on the versos, which begins with 'v' and predates the loss of the folios mentioned above, and a modern arabic system on the rectos. The modern notation is followed here. The leather binding is from the 19th century.

Vat. lat. 3789

saec. IX-X

111 fols. memb. 279 (223) x 181 (130) mm, origin Italy. Quaterniones, saec. IX-X.
fol. 1v-109v **Nicolaus I, <Epistolae XV de causa Ignatii et Photii>**
(Epistola prima) (Rubrica *marg.*) Periocha I. (Inscriptio) Nicolaus episcopus

sanctae catholicae et apostolicae Romanae ecclesiae, omnibus uere religionis ministris ac uniuersis orthodoxae fidei cultoribus ... (Textus) Quae apud Constantinopolitanam urbem paulo ante gesta sint uel etiam nunc gerantur ... (fol. 109r) (Epistola ultima) (Inscriptio) Nicolaus episcopus seruus seruorum Dei singulis quibusdam senatoribus Constantinopoleos a paribus. (Textus) Fidelium relatione, qui ad sanctorum apostolorum limina orationis gratia ueniunt ... (Finis) perfrui faciat et futurae beatitudinis praemia sine fine concedat. (**Ed.** MGH Epp. 6, ed. E. Perels, pp. 553-55, 433-51, 556-65, 457-87, 565, 488-553, using this MS (siglum B). **Bibl.** JE 2821, 2682, 2683, 2690, 2692, 2691, 2796, 2813, 2819, 2814-18, 2820; F. Bock, 'Gregorio VII e Innocenzo III. Per un confronto dei Registri Vaticani 2 e 4-7A', *Studi Gregoriani* 5 (1956) 243-79 at 259-62; E. Perels, 'Die Briefe Papst Nikolaus' I.', NA 37 (1911-12) 537-86 at 540-41. This collection is composed of letter 98, which incorporates letters 82-86 and 88 and has appended to it letters 90-97.)

fol. 109v-111r **Concilium Romanum III (863)**

(Rubrica) De Meodensi synodo a Teutgaudo Treuerensi et Guntherio Agrippine Colonie archiepiscopis collecta (fol. 110r) penitus abolenda (De synodo in Metensium urbe a Theutgaudo et Gunthario archiepiscopis congregata penitus abolenda *ed.*). (Textus) Synodum quae nuper id est sub piissimo imperatore Ludouico (Hludouuico *cod.*) per indictionem xi. mense iunio ... (Finis) a sedis apostolicae praesule (praeside *ed.*) salubriter promulgata contempserit, anathema sit. (**Ed.** Mansi 15.649-52; cf. Werminghoff, NA 26.634 this text contains only five canons. cf. Werminghoff, NA 26.634)

Bibl. F. Schneider. 'Reise nach Italien', NA 28 (1903) 713-26 at 722-23.

The MS is written in light brown ink in Carolingian minuscule. There are a few scribal corrections and occasional notes and corrections in two 15th-century hands. Capitals are red. The marginal rubric on fol. 1v is red. The long inscription and opening line of text are in rustic capitals, the lines of text alternating red and ink. A similar pattern is used from the datum through the inscription at the divisions between each following letter. Fol. 1r has a 15th-century cursive title added: 'Epistolae Nicolai primi summi pontificis cum quibusdam decretis et rebus sinodalibus multum utiles.' A 15th-century hand has quoted Luke 1.30 on fol. 111v. The front modern paper flyleaf has a pencilled reference to Vat. lat. 6949. Quires are marked with roman numerals, centered on the last verso. The parchment was prepared with prickings and drypoint. The MS has a 19th-century leather and cloth binding. <I>r is blank.

Vat. lat. 3790

saec. XVI (1550)

Prov. Julius III (1550-55). **Scr.** Ferdinandus Ruano, scriptor bibliothecae apostolicae. <III> + 50 fols. + <I> memb. 328 (210) x 230 (140) mm, origin Italy (Rome).

Quaterniones, saec. XVI (1550).

fol. 1r-5v <**Colloquium inter Leonem III et missis imperatoris**> (JE post 2520)

(Rubrica) Incipit ratio que habita est de symbolo fidei in secretario beati Petri apostoli inter dominum Leonem sanctissimum et coangelicum papam urbis Romae et Bernarium atque Iesse episcopos seu Adalardum abbatem missos domini Caroli imperatoris per indictionem II. (Textus) Lectis a predictis missis per ordinem testimoniis atque a domno apostolico diligentissime auditis ... (Finis) sine cuiusquam fidei lesione tollatur. (**Ed.** MGH Conc. 2.1, ed. A. Werminghoff,

pp. 239-44, using this MS (siglum V2). **Bibl.** A. Werminghoff, 'Verzeichnis der Akten fränkischer Synoden von 742-843', NA 24 (1899) 457-502 at 478; V. Peri, 'Leone III et il "Filioque": Ancora un falso e l'autentico simbolo romano', *Rivista di storia e letteratura religiosa* 6 (1970) 268-97.

fol. 6r-50v **Leo IX <(s.), Epistolae selectae>** (JL 4302, 4295, 4305. 4304, 4297, 4332, 4333).

(Rubrica) Incipit libellus domini et reuerendissimi papae Leonis noni aduersus inauditas presumptiones et nimias uanitates Michaelis Constantinopolitani et Leonis Acridani episcoporum. Capitulum primum. (Inscriptio) Leo episcopus seruus seruorum Dei Michaeli Constantinopolitano et Leoni episcopis. (Textus) In terra pax hominibus bonae uoluntatis (Luc. 2.14). Huiusmodi exordium docuit nos ... (fol. 46v) (Epistola ultima) Quantas gratias referre ... (Finis) desiderabilis nobis in Christo fili et gloriose Auguste. Amen. (Colophon) Ferdinandus Ruano scriptor bibliothecae apostolicae scribebat. Anno iubilei 1550 et pontificatus S^{mi}.D.N. Iulii III anno primo. (**Ed.** Mansi 19.635-670. **Bibl.** E. Petrucci, *Ecclesiologia e politica di Leone IX* (Roma 1977) passim, reprinting C.J. Will's edition of the first and the last two letters at 248-359.)

Cat. Kristeller, *Iter* II 583, wrongly citing the contents as letters of Leo I. **Bibl.** T. De Marinis, *La legatura artistica in Italia nei secoli XV e XVI*, 3 vols. (Firenze 1960) I 72 no.864; A. Werminghoff, 'Reise nach Italien im Jahre 1901'. NA 27 (1902) 565-604 at 570, describing this MS, *Colophons*, ed. Bénédictins de Bouveret II 71.

The MS is written in long lines with black ink in the fine humanist bookhand of Ferdinando Ruano, canon of Badajoz, Spain, and *scriptor* in the Vatican Library. On <III>v are painted the arms of Julius III, surmounted with the crossed keys and tiara and surrounded by a delicate laurel wreath. The rubric on fol. 1r is in roman capitals, gold on a red plaque bordered in gold. A large gold initial 'L' on a square red ground with a gold filigree pattern opens the *Colloquium*. A similar initial 'T' begins Leo IX's *libellus* to Michael Cerularius and Leo of Ocrida (JL 4302), similar smaller initials begin each of its chapters and the remaining letters. The opening rubric of the *libellus* is in roman capitals, alternating red and blue; those of the other letters are in red, usually in italic script. The colophon is in red. There are no marginalia. Lightly flourished catchwords are vertical on the inner margin line. The MS retains its original blind-stamped red leather binding. <I>r-<III>r and +<I>r-v are blank.

Vat. lat. 3791

saec. XI/XII

antea 602.

III + 308 fols. + v^{a-h} - (vii-xiii) + cclxxxiii^{bis} - (xcii-ci) - (cxc-cxcix) - (ccxc-ccxcix)
memb. 252 (179) x 165 (103) mm, origin France. Quaterniones, saec. XI/XII.

fol. i^r- cclxxxiii <**Pseudo-Isidorus, Decretales**> (pars tertia)

(Rubrica) Item incipiunt capitula decretalium apostolicorum sanctae Romanae sedis ecclesiae. <Tabula capitulorum> ... (IIIv) (Rubrica textus) Incipiunt excerpta quaedam ex sinodalibus gestis sancti Siluestri papae capitulum. (Textus) Temporibus sancti Siluestri papae et Constantini piissimi augusti factum est magnum concilium in Nicea ... (Finis) pro paruulorum dominorum nutrimento uitam uestram longius extendat. (**Ed.** *Decretales Pseudo-Isidorianae*, ed.

- Hinschius, pp. 449-570, 570-742, 746-47, 753-54, 742-46; this is a copy of his class A 1. **Bibl.** See Vat. lat. 630 fol. 1va-309rb; also, Wurm, *Studien* xii, 37, using this MS (siglum Yv) in the edition of the protocols of the decretals in the *Quesneliana*, cf. 240-42; idem, 'Decretales selectae ex antiquissimis Romanorum Pontificum epistulis decretalibus', *Apollinaris* 12 (1939) 40-93, using this MS (siglum Yv) in the editions of the letters of Innocent I to Exsuperus (JK 293) and of Leo I to the bishops of Campania, etc. (JK 402); *Acta conc. oecum.*, ed. E. Schwartz 4.2 pp. xxxi-ii, collating this MS for the letter of Leo I to Theodoretus (JK 496). *Avellana*; ed. Günther lx, lxxx-xi on the use of this MS (siglum i³) for ep. 37, Emperor Honorius to Bonifacius I; *Epistolae Romanorum pontificum genuinae* ... ed. A. Thiel, vol. I (Brunsbergae 1867, repr. New York 1974) xxxii, xxxix, and using this MS for the Pseudo-Isidorean form of the letters (siglum V²), S. Leo Magnus, *Opera*, ed. Ballerini (PL 54.559-62) on the tradition of Leonine letters in this collection; Ballerini, *De antiq. coll.* PL 56.244, 251-62.
- fol. cclxxiii^{r-v} **Gregorius <I (s.)>, Epistola ad Secundinum** (JE 1673), fragmentum (Rubrica) Epistola Gregorii papae Secundino seruo Dei inclauso (reclauso *cod.*). In extremum epistole requisisti quid de his ... (Finis) premia multiplicius percipienda pertingat (**Ed.** MGH Epp. 2, ed. Ewald and Hartmann, p. 147, line 13-148, line 24 **Bibl.** p. 143, line 38)
- fol. cclxxiii^v-cclxxviii^v **<Gregorius I (s.)>, Epistolae, excerpta** (Rubrica) Epistolarum uerba de diuersis locis excerpta. (Textus) Ratio nulla permittit ut propriis cuiusquam usibus applicetur ... (Excerptum ultimum) (Rubrica) Cuius supra exempla Maurilio exprefecto. (Textus) Et ideo salutantes paterne caritatis affectu petimus ... (Finis) et ab omni aduersitate seruet illesos atque custodiat. (**Ed.** MGH Epp. 1-2, ed. Ewald and Hartmann, passim. This collection of exempla is composed of 45 excerpts from Books 5, 9, and 11 of the edition. It begins with very short excerpts, often only a phrase, and continues with increasingly longer selections. The last six are virtually complete. The first excerpt is from 9.121 (ed. = vol. 2, p. 124 lines 7-8); the last is from 9.64 (ed. = vol. 2, p. 85 lines 4-9). **Bibl.** M. Kerner et al., 'Textidentifikation und Provenienzanalyse im Decretum Burchardi', SG 20 (1976) 19-63 at 36 and nn. 79 and 80, and 37, listing the sources of the 45 excerpts and including in the list the fragment of the letter to Secundinus.
- fol. cclxxviii^v-cclxxxii^r **Capitula Angilramni** (See Vat. lat. 630 fol. 310ra-312rb for further information.) *Variants:* (Rubrica) hic *pro* haec; sunt *om.*; quando ... agebatur *om.*; Agilramno *pro* Angilrano.
- fol. cclxxxii^v-cclxxxiii^r **Isidorus Hispalensis (s.), Epistola ad Leudefredum** (dubia vel spuria) (See Vat. lat. 1344 fol. 112va-113rb for further information.) *Variants:* (Rubrica) Epistola pape Spaliensis episcopi ad Laudefridum Cordubensem episcopum. <Inscriptio deest.> (Finis) luminariorum et in sacrario preparatio *pro* luminariorum in sacrario et preparatio (**Bibl.** Reynolds, 'Epistula' 265, 266 n. 46, 269 n. 70, 270 n. 84, and 288, where Reynolds identifies this copy as of the 'Norman Pseudo-Isidorean Form'.)
- fol. cclxxxiii^r-cclxxxiii^{bis} **Isidorus Hispalensis (s.), Epistola ad Massonam** (dubia vel

- spuria) (See Vat. lat. 1344 fol. 113rb and 46ra for further information.) *Variants:* (Rubrica) Epistola Ysidori ad Amasonem episcopum de restauratione sacerdotum. (Inscriptio) fratri Masoni *pro* fratre Masonio; episcopus *om.* (Textus) Nicena *pro* Niceto; Data ... sacerdotum *om.*
- fol. cclxxxiiibis^{r-v} <**Collectio Hibernensis, Lib. XLVI De ratione matrimonii**, excerpta> (Rubrica) De matrimonii ratione. (Textus) Hieronimnus ait. Nisi matrimonium fuisset ... (Excerptum ultimum) (Rubrica) De uiris et feminis in matrimonio non recipiendis. Augustinus ait. (Textus) Vxores nolite habere uiros ... (Finis) licet nobis ducere uiuo suo marito. (**Ed.** H. Wasserschleben, *Die irische Kanonensammlung* (Leipzig 1885; repr. Aalen 1966) 185-88, passim. The eight canons excerpted are 1, 2, 13a, 3, 4, 6, 11, and 12. **Bibl.** Mordek, *Kirchenrecht* 259.)
- fol. cclxxxiiibis^v-cclxxxvi^v **Isidorus <Hispalensis (s.), Etymologiae**, excerpta> (Lib. 8, cc. 5-6)
(Rubrica) Incipit epistola de nominibus hereticorum qui unitatem ecclesiae turbauerunt Ysidori. (Textus) Quidam etiam heretici qui de ecclesia recesserunt ... (Finis) apud hereticos et philosophos uoluntur idem et retractatur (*sic!*) implicantur. (**Ed.** PL 82.298-308.)
- fol. cclxxxvi^v-cclxxxviii^f <**Cassiodorus, Historia ecclesiastica tripartita**, excerpta> (5.17) (See Vat. lat. 630 fol. 312rb-vb for further information.) *Variants:* 4 lines missing as in 630; (Rubrica) Disputatio Constantii imperatoris et Liberii pontificis urbis Romae. (Textus) Nosse te *pro* Nos, et. (Finis) est exilio.
- fol. cclxxxviii^f-cccvi^f <**Concilium Chalcedonense**, excerpta *Nonnullae sanctiones*>, imperfecta (See Vat. lat. 1344 fol. 46ra-47rb, etc. for further information.)
Variants:
(Rubrica) actionis *om.* prime (Finis) et non permisit eos spiritus Ihesu. (**Ed.** *Spicilegium Solesmense*, ed. J.B. Pitra IV 166a-182a. The text breaks off in the middle of c. 99. **Bibl.** K.-G. Schon, 'Exzerpte aus den Akten von Chalkedon bei Pseudoisidor und in der 74-Titel-Sammlung', DA 32 (1976) 546-57 at 548(-49) n. 18, noting that Pitra did not know of this MS when he made his edition.)
- fol. cccvi^r-cccvii^v <**De potestate et auctoritate metropolitanorum**>
(Rubrica) Potestas et auctoritas metropolitanorum qualis esse debeat. Concilio Antioceno. Titulo viiii. (Textus) Per singulas regiones episcopis conuenit nosse metropolitanum episcopum ... (Excerptum ultimum) (Rubrica) De electione episcopi ex decretis Martini. (Textus) Non liceat electionem facere populis ... (Finis) sui prauitate habeantur. Datum id. ianuarii Asterio et Protegene uiris clarissimis æra cccclxxxvi. (There are 14 canons, mostly based on the Dionysio-Hadriana tradition. They are taken from Antioch c. 9, Nicea c. 7 (*rect.* 6), Innocent I tit. 9, Antioch c. 13, Chalcedon c. 18 (*rect.* 19), Hilary to Ascanius c. 1, Laodicea c. 12, Antioch c. 16, Celestine tit. 68 (*rect.* 17), Leo I tit. 22 (*rect.* 32), Antioch c. 11, 'ex decretis Iulii pape titulo v', Laodicea c. 12 (*rect.* 13), and the *capitula* of Martin of Braga c. 1. The *datum* is constructed from the letter of Leo I to Flavius (JW 423), cf. *Decretales Pseudo-isidoriani*, ed. Hinschius 600.)
- fol. cccvii^v-cccviii^f <**Laterculus Polemii Silvii**>
(**Ed.** Seeck, *Notitia Dignitatum* 254-60.)

fol. cccviii^{r-v} <**Notitia provinciarum et civitatum Galliae**>, imperfecta
(Ed. MGH Auct. Antiq. 9, ed. T. Mommsen, pp. 552-612, revised; F. Glorie CCL 175, pp. 379-406, to 404; this MS is not listed. The *Notitia* breaks off at 'civitas Vappensentium, ciuitas ///' (Prouincia Narbonensis secunda), the end of the folio. A missing final folio would complete the text.)

Bibl. *Decretales Pseudo-Isidorianae*, ed. Hinschius. xxxii-xxxiii, cvi-cvii; Williams, *Codices Pseudo-Isidoriani* 68 (no. 72). Kerner et al., op. cit. 38 n. 88.

The MS is written in a series of uneven late Carolingian minuscule scripts in chocolate brown ink by multiple scribes. The ink is often blurred, and the lines and margins are often uneven. The quire forming fol. v^{a-h} is a 14th-century replacement of the original material. There are extensive marginalia, most by one late 14th-century annotator. The foliation, in roman numerals, also appears to be from the 14th century and probably predates the replacement of fol. v^{a-h} as those folios have remained unnumbered to this day. There are also occasional notes in 15th- and 16th-century scripts. The capitals are red and ink-colored with limited decoration to fol. xlii, plain red thereafter. Rubrics are red and ink to fol. xlvi, then only red. The first three folios have capital roman numerals by a modern hand. Quires are marked with contemporary roman numerals on the last verso. At the top of fol. 1r is the former shelfmark '602'. The parchment is of poor quality, yellowish, often with holes and uneven edges. It was ruled in dry point; prickings are still visible at the edges of the folios. The MS was rebound in brown leather during the 19th century.

Vat. lat. 3809

saec. XI.2

177 fols. memb. 356 (264) x 275 (192) mm.. origin Italy. Quaterniones, saec. XI.2.

fol. 1va-2ra <**Tabula librorum Decreti Burchardi**>

Primus liber continet. De primatu sedis apostolicae ... (Finis) De pena malorum et gloria iustorum. De antichristo. De resurrectione. (**Bibl.** F. Pelster, 'Das Decret Burkhard's von Worms in einer Redaktion aus dem Beginn der Gregorianischen Reform', *Studi Gregoriani* 1 (1948) 321-51, with an edition at 342-43 using this MS.)

fol. 2ra-vb <**Hincmarus archiepiscopus Remensis, Vita Remigii episcopi Remensis**>, excerptum

(Rubrica) De lapsu et penitentia Genebaudi episcopi. (Textus) In castro Lauduno sanctus Remigius Genebaudum uirum carne nobilem ... (Finis) predicans cunctis, quanta illi fecerit Dominus. (Ed. MGH. *Scriptores rerum Merovingicarum* III, ed. B. Krusch, pp. 300 line 33-304 line 4. The edition begins at 'Genebaudum uirum', because the opening phrase of the MS text has been constructed out of the preceding text.)

fol. 2vb-3rb <**Pseudo**>-**Aurelius Carthaginensis, Epistola ad Damasum et rescriptum eiusdem**

(Rubrica) Epistola Aurelii Cartaginensis archiepiscopi ad Damasum papam de canonibus apostolorum quod omni ueneratione sint colendi. (Inscriptio) Beatissimo (pape *add. cod.*) Damaso Aurelius Cartaginensis episcopus (archiepiscopus *cod.*). (Textus) Gloriam apostolicæ sedis et uestre sublimitatis ... (Rescriptum) (Rubrica) Rescriptum beati pape Damasi Aurelio archiepiscopo directum (in quo et monet ut norma sanctorum canonum qui sunt Spiritu Dei conditi ab omnibus sciatur et diligenter tractetur *add. cod.*). (fol. 3ra) (Inscriptio) Reuerentissimo fratri et coepiscopo Aurelio Damasus. (Textus) Scripta sanctitatis

- tuæ debita ... (Finis) in sedibus fideles cooperatores ostendat. Data xi k. iun., Gratiano et Siritio vv. cc. cons. (**Ed.** *Decretales pseudo-Isidorianae*, ed. Hinschius 20-21.)
- fol. 3rb-177rb <**Burchardus Wormaciensis, Decretum**> (See Vat. lat. 1355 fol. 1r-310r for further information.) *Variants:*
 <Praefatio deest.> (Lib. I) <Praefatiuncula ante tabulam titulorum.> (Rubrica) capitulo *om.* (Inscriptio capituli *marg.*) Ex epistola Anacleti pape ad episcopos Italiae directa. (Finis) in camino ardent illæsa uiuere potuerunt (xx. 110 ed. 1058)
READERS WILL NOT BE HAPPY WITH THSI SCANT INFORMATION!!! (**Bibl.** Fransen, 'Decret' 9, 13 et passim; idem, 'La Tradition' 116; Pelster, 'Decret' 135-40; idem, 'Das Dekret Burkhard's von Worms in einer Redaktion aus dem Beginn der gregorianischen Reform', *Studi Gregoriani I* (1948) 321-51, using this MS to formulate the idea of a Gregorian reform version of the *Decretum*; Fuhrmann, *Einfluss und Verbreitung* 455-57 and no. 87-88, arguing against Pelster's thesis of Humbert as editor of the Gregorian version; Brommer, 'Gesetzgebung Theodulfs' 119(-20) no. 16, on the presence of the 'Admonitio synodalis'; *Coll. Farfensis*, ed. Kölzer § 49 n. 155. The text on fol. 177v (xx. 107 tunc uidens eos ... through the end) has been erased, but remnants are still visible. In addition to the preface, the *ordo synodi* and the *ordo infirmorum* are lacking. The added canons are listed and examined by Pelster, art. cit., *Studi Gregoriani I* at 326-32. Chapter numbers and inscriptions are in the margins.)
- fol. 84v <**Arbor consanguinitatis**>
 (**Bibl.** Schadt, *Arbores* 114.)
- fol. 85r <**Arbor consanguinitatis**>
 (**Bibl.** Schadt, *Arbores* 116, 118, noting that this second *arbor* is in the more typical Burchardian form.)
- fol. 177v <**Pseudo-Leo IV, Admonitio synodalis**>, imperfecta (See Vat. lat. 1355 fol. 310r-311v for further information.) *Variants:*
 (Rubrica) Sermo synodialis qui in singulis synodis /// rell. illegible (fol. 177v is erased, but according to Pelster, art. cit. p. 332, it contains the opening section of the *Admonitio synodalis*, ending at 'calice audeat' (ed. no. 19).

Bibl. Pelster, art. cit., *Studi Gregoriani I* (1948) 324-32 for a thorough description of the MS.

The MS is written in dark brown ink by several scribes, with obvious changes of hand at 151v/152r and 157r. Book initials are gold vine designs on red, blue, and green grounds. Chapter initials are red with gold in the full. Rubrics are red; running titles are by the scribes. The ink on some folios is badly rubbed. The folios are lined in dry point, and prickings are visible on the exterior lateral margins. The quires are both numbered on the first recto and foliated in modern pencil. The leather and cloth Vatican binding is from the 19th century. Fol. 170rb, 174r, and 175rb are erased and unreadable; fol. 84r is blank.

Vat. lat. 3827

saec. IX.3

Prov. Este family; Antonio Augustin; Beauvais, Cathedral chapter of St. Peter.
 III + 208 fols. + <II> memb. (chart.: III) 328 (233) x 272 (205) mm, origin North France.

Quaterniones, saec. IX.3.

fol. 1r-125r <**Collectio Bellovacensis**>

(Rubrica) Incipiunt capituli. Constitutio sanctorum episcoporum Carpentoraten(sium) tempore Liberi papa (*sic.*), de id quod parrociānis fuerit Christianis conlatum quantum aut qualiter ab episcopo praesumatur. Explicit capitulum. (Inscriptio) Constitutio sanctorum episcoporum in ciuitate Carpentoratensium. (Textus) Licet omnia que ecclesiastica regula praecepit obseruari, in multis canonibus contineantur (**Ed.** CCL 148A, p. 48: MGH Conc. 1, p. 41) ... (Canon ultimus) (Rubrica) XVI. (Textus) Vt raptores et adulteri uel rapaces qui, sicut ait apostolus, regnum Dei non consequentur ... (Finis) quia pro talibus et Deum intellegimus in (*om. cod.*) nos esse offensum et regnum esse diuisum atque dispersum (**Ed.** MGH Conc. 3, p. 479). (**Ed.** Although not edited as a single entity, this collection of early Gallic councils has almost always been an important witness in modern editions. Editions of the 5th- century councils are in CCL 148, ed. C. Munier (siglum B); of the 6th- and 7th- century councils in CCL 148A, ed. C. de Clercq (siglum B) and MGH Conc. 1, ed. F. Maassen (siglum B); of Verneuil 755, MGH Capit. 1, ed. A. Boretius, pp. 33-37 (siglum 3); of Soissons 744 and Friaul 796, MGH Conc. 2.1, ed. A. Werminghoff, pp. 33-36 and 179-95 (both siglum V); of the *Hadrianum*, MGH Epp. 5, ed. E. Dümmler, pp. 5-57 (siglum V); of Theodulf of Orléans' First Capitulary, MGH Capit. epi. 1, ed. Brommer, pp. 103-42 (siglum V₂); of Paris 829, MGH Conc. 2.2, ed. A. Werminghoff, pp. 599-601, 606-80 (siglum V); of the Leo IV letters, 'Cognoscat prudentia' (JE 2657) and 'Quanto studio' (JE 2599), MGH Epp. 5, ed. E. Dümmler, pp. 611 and 595-96, not using this MS; and of Valence 855 and Savonnières 859, MGH Conc. 3, ed. W. Hartmann, pp. 351-65 and 458-72, 473-85 (both siglum V). Note that all editions listed here follow the old foliation; see below. **Bibl.** L. Wallach, *Diplomatic Studies in Latin and Greek Documents from the Carolingian Age* (Ithaca 1977) 172 n. 13, noting that fol. 13r-34r (old numbering) have the only known medieval copy of the *Hadrianum*; Mordek, *Kirchenrecht* passim in the *apparatus fontium* of the edition of the *Vetus Gallica*. The opening text is the synodal letter from Carpentras 527. Both the MGH edition and the CCL edition, which is based on the MGH, begin with the inscription, ignoring the long opening title and rubric. Here, the scribe treats the inscription as the beginning of the text itself.)

fol. 126r-140v **Nicolaus <I>, Epistola ad Michaelem imperatorem** (JE 2796)

(Inscriptio) Nicolaus episcopus seruus seruorum Dei piissimo et dilectissimo filio superatori gentium atque tranquillissimo imperatori Michaheli a Deo protecto semper augusto. (Textus) Proposueramus quidem, antequam Michahel gloriosus (groriosus *cod.*) protospatharius ... (Finis) quod idioma (odiamo *cod.*) grecæ dictionis exigit uel interpretanti scientia intellegendi non tribuit, anathema sit. (**Ed.** MGH Epp. 6, ed. E. Perels, 454-87, using this MS (siglum D). Note that this letter is repeated in its proper place within the following collection.)

fol. 141r-194r **Nicolaus <I>, Epistolae XV de causa Ignatii et Photii** (See Vat. lat. 3789 fol. 1v-109v for further information.) *Variants:*

gerantur *pro* generantur (**Ed.** MGH Epp. 6, ed. E. Perels, pp. 553-55, 433-51, 556-65, 457-87, 565, 488-553, using this MS (siglum C), except for letter 88 (JE

- 2796) which has siglum E.)
- fol. 195r-208v <**Nicolaus I, Responsa capitulis 106 ad Bulgarorum consulta**>
 (Rubrica *add. man. recent.*) Nicolai papae responsa ad consulta Bulgarorum.
 (Textus) Ad consulta uestra non multa respondenda sunt nec duximus per singula ... (Finis) hanc perficiat, consolidet et usque in finem stabiliat et corroboret.
 Amen. (**Ed.** MGH Epp. 6, E. Perels, pp. 568-600, using this MS (siglum B). **Bibl.** L. Heiser, *Die Responsa ad consulta Bulgarorum des Papstes Nikolaus I.* (858-867) (Trierer Theologische Studien 36; Trier 1979).)
- fol. 208v <**Versus in mortem imperatoris**>
 Cesar tantus eras quantus et orbis ... (Finis) etc. (*recte*: et te?) Roma tuis hostibus aufer. (**Ed.** Ballerini, *De antiq. coll.* PL 56.158, from this MS. This poem was added by a later hand in the remaining space of the folio.)
Bibl. Ballerini, *De antiq. coll.* PL 56.157-158; Maassen, *Geschichte* 778-80, describing this MS; L. Gasparri, 'Osservazioni sul codice Vallicelliano C.24', *Studi Gregoriani* 9 (1972) 469-513 at 505-06, noting that this MS once belonged to Antonio Agustín and is no. 253 of his library; C. Leonardi, 'Per la storia dell'edizione Romana dei concili ecumenici (1608-1612): da Antonio Agustín a Francesco Aduarte', *Mélanges Eugène Tisserant* VI (Studi e Testi 236; Città del Vaticano 1964) 583-637 at 619 lists the contents of this MS (identified as Antonio Agustín's no. 253) as they appeared before the folios were rearranged; Brommer, 'Gesetzgebung Theodulfs' 17 n. 92, 18 and n. 96, and 19 (all concerned with the use of this MS by Baronius in his *Annales ecclesiastici*), and 20 n. 113, quoting the rubric to Theodulf's *Capitula* (fol. 70v; old fol. 34v); Brommer, 'Rezeption' 119, on the use of this MS by Antonio Agustín for his *Iuris pontificii veteris epitome*; Mordek, *Kirchenrecht* 72 n. 38, changing the traditional saec. X-XI dating to saec. IX.3; MGH Capit. epi. 1, ed. Brommer, pp. 94-95, where Brommer states that the present binding is incorrect.

At the time it was owned by Antonio Agustín, this MS was bound in a different order, with the 9th-century Carolingian texts preceding the early Gallic councils and the letters of Nicholas I at the end. While in this order, the folios and quires were numbered. On IIIv is a note, perhaps by Antonio Agustín, stating that this order was incorrect and that the early Gallic councils should come first. The MS had been rebound according to the note, another note on the rebinding being added below the first, by the time of the Ballerini, who describe it in its present order, as does Maassen. However, the foliation was not changed, and all but the most recent (post 1984) references to the foliation follow the old numeration. This description follows the new stamped foliation in the lower right corner: new fol. 1 = old fol. 91, new fol. 37 = old fol. 1, and new fol. 126 = old fol. 127, the new foliation continuing to be one less than the old through new fol. 208 = old fol. 209.

The MS is written in light brown ink by at least two scribes in a neat, clean Carolingian minuscule. Chapter capitals are red or ink-colored, the two which begin Nicholas I's letter to the Bulgars are decorated. Alternating lines of red and ink-colored capitals are used for the opening inscriptions and rubrics of individual texts. Internal rubrics are red. There are many marginal annotations by Antonio Agustín, mostly identification of sources. Fol. 2r (old 92r) has the 13th-century ex libris, 'Sancti Petri Belvacensis est liber iste'; an fol. 37r (old 1r) and an fol. 152r (old 153r), by the same hand 'Sancti Petri Belvacensis'. Also on fol. 37r (old 1r) is a barely legible note, in a late 16th or early 17th-century hand, which Brommer (MGH) reads as 'Illustrissimi et Reverendissimi Cardinalis Ferrariensis', q.v. p. 95. On IIIv is the title 'Concilia antiqua Gallicana', which may also be by Agustín, as well as the notes on the order of the text; see above. As noted, quires were marked with roman numerals according to the old order, i. e., fol. 8v has 'XIII', fol. 49v has 'Q. I' and fol. 208v has XXVII. Fol. 37 (old 1) has been repaired. The MS was ruled in dry point, and prickings are occasionally visible. The MS has an old leather binding stamped with a design of crowned eagles and lions and the actual shelfmark on the back. Ir-IIIr, fol. 125v (old 90v), 176v (old 177v),

194v (old 195v), and <+I>r-<+II>v are blank.

Vat. lat. 3829

saec. XII

Prov. Niccolò Ormaneto, bp. of Padua (1570-77); Verona, Chapter Library (?).

287 fols. memb. 235 (172) x 147 (92) mm, origin North Italy. Quaterniones, saec. XII.

fol. 1r-2v <**Catalogus pontificum**> (Marcellus I-Calixtus II)

fol. 3r <**Pseudo->Clemens, Epistola ad Jacobum fratrem Domini**, excerptum
(Rubrica) Clemens. Vt episcopo suo nemo detrahat. (Textus) Qualis
condempnatio qualis imminet maledictio eis qui in patres peccant ... (Finis) ut et
nos similiter faciamus. (**Ed. *Decretales Pseudo-Isidorianae***, ed. Hinschius, p. 50.)

fol. 3r <.Incertus auctor, **Nota de sacerdotibus**>

Sacerdotes autem siue quasi pietatis perfecti milites ... (Finis) nunc hiisque barbas
radunt.

fol. 3v-279v <**Collectio Vaticani latini 3829**>

(Prologus) Si difficile et ambiguum apud te ... (Deut. 17.8-13; cf. Decr. Grat. D. 74 c.1) ... (Rubrica) Decretum Lini pape. (Textus) Linus natione ytalus ex precepto beati Petri constituit ... (fol. 4r) (Epistola prima) (Rubrica) Incipit epistola sancti Clementis papae ad Iacobum fratrem Domini de sacramentis ecclesiasticis. (Inscriptio) Clemens Romane ecclesiae presul Iacobo karissimo Iherosolymorum episcopo. (Textus) Quoniam sicut a beato Petro apostolo accepimus ... (fol. 279v) (Epistola ultima) (Rubrica) Urbanus II. De ordinatis ab excommunicatis. (Inscriptio) Geboardo episcopo Constantiensi. (Textus) Vt ab excommunicatis quondam tamen catholicis episcopis ... (Finis) cum cautela est perpetua concedendum. (The collection begins with Deut. 17.8-13, followed by notes from the *Liber pontificalis* on Linus, Cletus, and Clement. For the first letter, see *Decretales Pseudo-Isidorianae*, ed. Hinschius, pp. 46-52 (shortened); the last letter is JL 5393 (cf. C.9 q.1 c.4). The collection is in roughly chronological order from Clement to Urban II, with notes from the *liber pontificalis* at the start of many sections. Fol. 185v-247v are devoted to letters attributed to Gregory I, some of which do not appear in the MGH edition by Ewald and Hartmann. Some material has been lost between fol. 267v and 268r, where there is a break in the text. The collection is considered to have been derived from several older works, notably those of Pseudo-Isidore, Anselm of Lucca, and Deusdedit. There is no complete analysis in print. **Bibl.** Fournier-LeBras, *Histoire* II 210-18; *Decretales Pseudo-Isidorianae*, ed. Hinschius p. lxxvi, describing this MS as excerpts from A1; Williams, *Codices Pseudo-Isidoriani* 87, stating that this is not a Pseudo-Isidore collection; Fuhrmann, *Einfluss und Verbreitung* 139 n. 6, 169 n. 61, 247 n. 27, 270 n. 82, Gossman, *Urban II* 47-48; Kuttner, 'Roman Manuscripts' 21-23, where this MS is mislabelled Vat. lat. 3529; J. Gilchrist, 'The reception of Pope Gregory VII into the canon law', ZRG Kan. Abt. 59 (1973) 35-82 at 48-49 and 73(-74) n. 46; idem, 'Die Epistola Widonis oder Pseudo-Paschalis', DA 37 (1981) 576-604, especially 590, using this MS (siglum V₂) to edit the text which appears on fol. 272r-273r; Brommer, 'Rezeption' 130; R. Schieffer, *Die Entstehung des päpstlichen Investiturverbots für den deutschen König* (MGH Schriften 28, Stuttgart 1981)

- 200 and n. 135.)
- fol. 280r <**Pseudo-Eugenius II**>, **Decretum** (See Vat. lat. 1351 fol. 94v for further information.) *Variants:*
(Rubrica) Eugenius papa. Vt monachi parroechiali non agent. (Finis) respondit *add. post synodus*; Tiburtinus *om.*; respondent *pro* episcopi; ut *om.*
- fol. 280v **Decretum concilii Troiani** (1093)
(Rubrica) <C>onuenit Troiæ in Apulia concilium episcoporum fere lxxx, abbatum xii. in quo actum est de consanguinitatis linea coniugatis. (Textus) Cum nemo tamen dictum sacramenti (impedimentum *add. ed.*) uellet assertionem firmare. Preceptum est ut episcopi ... (Finis) alia matrimonia contrahere (*sic*) non prohibeantur (**Ed.** Mansi 20.721-22.); cf. Mansi 789f, JL p. 671, D.VIII.24 nr. 76.
- fol. 280v **Zosimus papa (s.), Epistola ad Hestium** (JE 339), imperfecta
(Rubrica) Qualiter per singulos gradus ascendat futurus episcopus. Cosimus (*sic*) episcopus urbis R<ome> Esitio episcopo Salomitano (*sic*). (Textus) Laudamus propositum constantiæ tuæ ... (Finis) probitatis stipendia anteacta testentur. (**Ed.** *Decretales Pseudo-Isidorianae*, ed. Hinschius, p. 553.)
- fol. 281r <**Concilium Romanum (1059)**>, c. 5
(Rubrica) Vt decimæ, et primitie et oblationes seu uota uiuorum et mortuorum ecclesie reddantur. (Textus) Vt decimæ et primitiæ seu quecumque oblationes ... (Finis) (secundum canones distribuende) quas qui retinuerint a sanctæ ecclesiæ communione separentur. (**Ed.** Mansi 19.898.)
- fol. 281v <**Paschalis II, Decretum**> (JL 661 1), fragmentum
/// cuique conceditur suarum iudicium ... (Finis) siue in aliis religiosis locis. (Most of this folio is torn away. **Ed.** Friedberg, *Comp. antiquae* p. 34; **Bibl.** U.R. Blumenthal, 'Decrees and decretals of Pope Paschal II in twelfth-century decretal collections', BMCL 10 (1980) 15-30 at 26.)
- fol. 282r <**Concilium Lateranense**> (1110), c. 1
(Rubrica) Ex decretis Paschalis II papae. Vt per laicum nullus clericus aliquo honore inuestiatur. (Rubrica secunda) Paschalis II .pp. dixit. (Textus) Constitutiones sanctorum canonum sequentes statuimus ut quicumque clericorum ab hac hora in antea ... (Finis) qui et manum imposuerit gradus sui periculu subiaceat et communione priuetur. (**Ed.** U.R. Blumenthal, *The early councils of Pope Paschal II* (Toronto 1978) 119, not using this MS.)
- fol. 282r-283r <**Concilium Lateranense**> (1112), canones
(Rubrica) Vt iniusta et exacta priuilegia dampnentur. (Textus) Anno dominicæ incarnationis millesimo centesimo tertidecimo (*sic*) xv. kal. aprilis celebrata est synodus Laterani ... (Finis) et innumerabili multitudine tam clericorum quam laicorum. (**Ed.** MGH Const. 1, ed. L. Weiland, pp. 571-73; this MS is missing the last paragraph. **Bibl.** Blumenthal, art. cit. 28.)
- fol. 283r <**Pseudo->Leo IX, Epistola**
(Rubrica) Ex decreto Leonis papae. (Inscriptio) Leo episcopus seruus seruorum Dei. Omnibus Christi fidelibus salutem cum benedictione apostolica. (Textus) Quotiescumque a sede apostolica aliqua constituuntur ... (Finis) iude perditio comparandus erit. (**Ed.** and **Bibl.** H. Fuhrmann, 'Ein Papst Ideo (zu *Collectio Lipsensis*, tit. 27,5)'; *Etudes d'histoire du droit canonique dédiées à Gabriel LeBras*, 2 vols. (Paris 1964) I 89-98, using this MS in the edition at 97-98.)

- fol 283v **Nicolaus I (s.), Epistola ad Brindineum episcopum** (JL 2855)
 (Rubrica) Ex decretis Nicholai ut supra. Vt accusatus presbyter canonice
 examinetur. (Inscriptio) Nicholaus episcopus urbis Rome Brindineo Madisconensi
 episcopo. (Textus) Nouerit sanctitas tua, quia hic lator presentium Gelandus
 (Gerelandus *ed.*) ... (Finis) sicut decet, obedienter obtemperetis. (**Ed.** MGH Epp.
 VI 661-62 no. 144, and *Epistolae pontificum romanorum*, ed. S. Löwenfeld (Graz
 1959) 23-24 no. 44, neither using this MS. The *inscriptio* does not appear in either
 edition.)
- fol. 283v **Urbanus II, Epistola ad Vitalem presbyterum** (JL 5740)
 (Rubrica) In quo condescendi possit simoniacus. (Inscriptio) Idem (supra Urbani
 ii. *marg.*) Vitali presbytero Bruuiensi (*sic*) inter alia. (Textus) Porro (*om. ed.*) eos
 qui ecclesiam emerunt ... (Finis) absque tamen sanctorum canonum preiudicio.
 (**Ed.** PL 151.528-29.)
- fol. 284r-287r <**Concilium Lateranense II**> (1139) (See Vat. lat. 1340 fol. 370ra-371vb
 for further information.) *Variant:*
 <Tabula deest.>
- fol. 287r <Incertus auctor. **Epistola de materia usurae**>
 (Inscriptio) N. socio et amico G. utcumque dictus magister in Christo salutem.
 (Textus) Super quibus consuluisti, consentientibus qui peritiores apud ius ...
 (Finis) inuitis non iniurio fenus exigamus.
- Bibl.** Fournier-LeBras, *Histoire* II 210-18.

At the beginning (fol. 91r) of the section of Vat. lat. 4886 which was copied from this MS is the note 'Ex libro Veronensi Nic. Ormanetti'; cf. Fournier-LeBras, *Histoire* II 211.

The MS is written in brown ink by several scribes writing late Carolingian scripts, although the scribe of the lower part of fol. 93r was clearly trying to imitate a much older hand. In the *Collectio*, the initial at the start of each section is decorated with rather heavy floral ornament in red and blue, red and green, or blue and the ink of the text. Minor initials alternate in the appropriate pair of colors, rubrics are red. Fol. 39 and 133 are small pieces inserted to hold additional texts, the last letter on fol. 279v is a slightly later addition. There are scribal corrections and additions; sometimes the material from the *Liber pontificalis* is written along the inner margin. There are marginal notes in several late medieval and early modern hands and a long passage on fol. 63v *marg.*, The notes 'no. g. m.' are in the hand of Geraldus (Guillermus?) Martinus, a 14th-century scribe in the papal chancery. (Cf. H. Hoberg, *Die Einnahmen der apostolischen Kammer unter Innozenz VI*, 2 vols. (Görres-Gesellschaft. Vatikanische Quellen zur Geschichte der päpstlichen Hof- und Finanzverwaltung 7 and 8; Paderborn 1955-73) I 285, 287.) The cross-references to Gratian's Decretum in the first few folios were added in the 16th century, when the MS was used by the *Correctores romani*, for whom copies were also made, wholly (Vat. lat. 5436) and in part (Vat. lat. 4886 fol. 91r-126v). Fol. 281 is badly damaged; only the last few lines of text remain. The penultimate quire (fol. 280-283) has been rearranged, as can be determined from the early modern foliation in the upper right corner. The original order was fol. 282-283, 281, 280. Prickings are often visible, as are the edges of the notes for the rubricator. The modern stamped foliation at the lower right is followed here. The MS has a 19th-century leather binding. Except for the line 'Laus Dea optimo maximoque', fol. 287v is blank; so are fol. 24v and 39r.

Vat. lat. 3830

saec. XImed. and XII

Prov. Pietro di Giovanni Barachie (?), Donato di Fatio (?).
 83 fols. memb. 278 (208) x 172 (115) mm; origin North-central Italy. Quaterniones, saec.
 XImed and XII
 fol 1r-16v <**De reformatione ecclesiae canonum collectio**>, imperfecta in principio

Et cum liqueat hanc eresim ante omnes radice pestifera surrepsisse ... (Capitulum ultimum) (Rubrica) Ex concilio Romano ubi interfuit Benedictus papa cum Henrico imperatore. (Textus) Quicumque aliquid in pignus uel donum acceperit de utensilibus uel ornamentis ... (Finis) et quandiu tenuerit, communione priuetur. (This short canonical collection of unnumbered chapters is heavily dependent on Burchard's *Decretum* und the Collection in 5 Books (cf. Vat. lat. 1339). It begins with a series of ten excerpts from the letters of Gregory I, of which the first is from JE 1747, **Ed.** MGH Epp. 2, ed. P. Ewald & L.M. Hartmann, p. 206.28-31. The last canon of the collection is from the Collection in 5 Books, Book IV 283 (Vat. lat. 1339, fol. 216r). **Ed.** MGH Const. 1, ed. L. Weiland, p. 62, as chapter 4 of the Synod of Ravenna (1014), with a rubric not included here. **Bibl.** F. Patetta, 'Contributi alla storia del diritto romano nel medio evo', *Bullettino dell'Istituto di Diritto Romano*, 3 (1890) 273-310 at 296-99, repr. in F. Patetta, *Studi sulle Fonti giuridiche medievali* (Torino 1967) 24-27, listing the 7 excerpts from the *Epitome Iuliani* on fol. 4r-6r and noting that the rubrics vary from the usual, F. Kerff, *Der Quadripartitus* (Sigmaringen 1982) 69 and n. 16, identifying IV 206 and 207 from the Quadripartitus at fol. 13r. The rubrics are by the scribe: inscriptions have been added, usually in the margin, by a second hand.)

fol. 17r <**Gregorius I (s.), Moralia**, excerptum> (Lib. XXII 22med.-23 in fin.)

Sunt nonnulli qui in eo quod officium predicationis exhibent ... (Finis) Prophetare quippe omnes uoluit, qui bonum quod habuit aliis (iliis *cod.*) non inuidit. (**Ed.** PL 76.247B-D; or CCL 143A, ed. M. Adriaen, pp. 1132 line 30-1133 line 16. This excerpt lacks the first word of the sentence ('Sed sunt nonnulli ...') beginning the passage und has no sign of the break between the two chapters. Its construction suggests it was taken from a copy of the *Moralia* which followed the chapter divisions as used in the Basel 1503 edition, where the excerpt is the beginning of Lib. XXII 24 et ult., cf. PL 76.274B.)

17r-19v <Incertus auctor, forsan **Humbertus de Silva Candida, Epistola de simoniaca heresi**>

(Rubrica) (Inscriptio) Caelitus per sancti Constantinopolitani imperatoris ma(fol. 17v)iestatem Calabris assignato sancto Karl. quidam francigena catholicus fidem per uilitatem carens nomine. (Textus) Multimodas omnipotenti Deo gratias referens ... (Finis) Christi sortita thoro iugi permaneat fædere. (**Ed.** and **Bibl.** J.J. Ryan, 'Letter of an anonymous French reformer to a Byzantine official in south Italy: *De simoniaca heresi*. (MS Vat. lat. 3830)', *Medieval Studies* 15 (1953) 233-42, with edition at 239-42. This text follows immediately after the previous with only a capital to note the change. Only one line of text appears on fol. 17r.)

fol. 19v-20r <**Canones duo**>

Nulli liceat episcoporum a subiectis sacerdotibus (ad subiectos sacerdos *cod.*) quolibet ... (Rubrica) Ex concilio Cartaginensi. (Textus) Placuit ut episcopi, presbyteri (diaconi *om. cod.*), uel quicumque ... (Finis) uel successione cognationis aliquid uenerit, faciant inde quod (qui *cod.*) uelint. (**Ed.** of the first, MGH Conc. 2.2, ed. A. Werminghoff, p. 578 lines 6-10 (Concilium Romanum (826) c. 26); of the second, cf. PL 140.696 (Burchard, *Decretum* 3.120). The first canon also appears in the Collection of 5 Books, Book III 121, but in a different version. The second, Council of Carthage cap. 32, is most similar to the form in

- Burchard. These two texts follow immediately after the preceding piece with only a red capital to note the break.)
- fol. 20r-23v <**Isidorus Hispalensis (s.), Etymologiae**, excerpta> (VIII c. 5)
 (Rubrica) De heresibus Christianorum. (Textus) Quidam etiam heretici qui de ecclesia recesserunt ... (Finis) Tritheitae (Tritoiti *cod.*) uero uocati quod sicut tres personas in Trinitate, ita quoque tres adtrahunt (astruunt *ed.*) deos esse contra illud quod scriptum est 'Audi, Israel, Dominus Deus tuus. Deus unus est'. (**Ed.** PL 82.298-304C.)
- fol. 23v-24r <**Canones duo**>
 Si quis episcopus uel abbas (abba *cod.*) rem mobilem siue immobilem distraxerit ... Si quis igitur non hedificat ecclesiam Christi ... (Finis) Episcopus autem ut quidam Prudentius ait nomen est operis non honoris. (**Ed.** of the first: *Collectio canonum in V libris*, ed. M. Fornasari (CCLM 6: 1970) 287 and cf. 362. The first text is Nicea II c. 12, following the reading in the Collection in 5 Books. Book II 186 and Book III 100 (variant). The second is unidentified. These two texts were added by another hand on the last two lines of fol. 23v and the top of fol. 24r. The remainder of fol. 24r is blank.)
- fol. 24v <**Collectio canonum in 5 libris**, excerptum> (Lib. I. 188)
 (Rubrica) De medicina penitentiae qui donum Dei studet pretio mercari. (Textus) Nam de eo qui donum Dei studet pretio mercari ... (Finis) tamen ad exitum mortis pro misericordia is communicet iudicamus. (**Ed.** *Collectio canonum in V libris* (ed. cit.) 119. This single canon was added by a later hand (not that of the previous entry, but not later than early 12th century) on the bottom half of the folio, which had previously been left blank except for the quire mark 'IIII'. In the margin of the text is 'GG. Nazanzenus'.).
- fol. 25r-39r, 40r-53r (*recte* 25r-32v, 48r-53r, 40r-47v, 33r-39r) <**Julianus, Epitome Novellarum**, excerpta>
 Qui uult edificare monasterium, prius episcopum uocet ... (fol. 53r) Nemo priuatus audeat arma tenere ... si de his sunt, quos utpote seditiosos perscrutantur (prescrutantur *cod.*) magistratus populi Romani (punire *om. cod.*) ... (fol. 39r) (Excerptum ultimum) Si per publicas personas heredes ammoniti ... (Finis) liceat etiam metropolitanis huiusmodi causam diligenter inquirere. (**Ed.** *Iuliani epitome*, ed. Haenel, pp. 26-30, 30-36, 38, 39, 39-41, 43-45, 146-53, 153-57, 157-59, 159-63, 164, 166-67. 159, 167 in order of appearance in the correct order of the folios. The excerpts are Const. IV, V, VI (less c. 3), VII, VIII, XIV, XV (less cc. 2, 3, & 5), XXI, CXV (less cc. 24, 42, & 50), CXVII, CXIX.5-11, CXV.50, and CXLX.12-13. **Bibl.** F. Patetta 'Contributi alla storia del diritto romano nel medio evo', *Bullettino dell'Istituto di Diritto Romano*, 3 (1890) 273-310 at 296-99, repr. in F. Patetta, *Studi sulle Fonti giuridiche medievali* (Torino 1967) 24-27, listing the excerpts. This set of excerpts is in the same hand as that on fol. 1r-19v.)
- fol. 39v <**Pseudo-Bonifacius IV, Decretum**> (JE +1996) (See Vat. lat.. 1358 fol. 106ra-rb for further information.) *Variants:*
 (Rubrica) Ex concilio Sancti Bonifatii pape. Quorum quartus fuit a beato Gregorio quomodo liceat monachis cum sacerdotali officio ubi (ubi *repet.*) ministrare. (Textus) Sunt nonnulli fulti nullo dogmate audacissime quidem zelo magis ... (Finis) reprimantur in posterum quia quisque excellentior tanto est et in his

- potentior. (This is added in a new hand and begins with a zoomorphic letter. The original hand breaks off at the end of the writing area, at '... monachorum et abitum potentatumque euidenter considerat'. The text is completed in the lower margin, probably after the loss of the following folio, by a much younger (13th-century) hand. Next to the letter is a reference by L. Holste to Baronius's edition (see below).)
- fol. 53r-v <**Burchardus Wormacensis, Decretum**, excerpta>
 <S>i abbas in monasterium suum mulierem ingredi ... (Excerptum ultimum)
 <Q>ui recte iudicat et premium remunerationis expectat ... (Finis) <T>ales quippe ad ueritatem non iustitiæ defensio, sed amor premii prouocat. (**Ed.** PL 140.812, 910C-D, 911C-D, and 914B. The excerpts are Book 8 c. 101 and Book 16 cc. 6, 7, 13-15, and 28, the last of which has only the first third of the text present. The first excerpt is by the first scribe; the others were added by the scribe from fol. 23v-24r. The capitals are all missing and space remains for rubrics. Most of fol. 53v is blank.)
- fol. 54r-69v <**Radulfus Biturcensis, Capitula**>, imperfecta
 (Praefatio) Non latere credimus beatitudinis uestre solertiam, quante ecclesiasticæ nobis discipline ... (fol. 54v) (Capitula) (Rubrica) Cap. I (I *om. cod.*) De fide sancte Trinitatis, qualiter a sacerdotibus est tenenda et predicanda. (Textus) Primo omnium credendum est atque omnibus generaliter predicandum ... (Finis) ad tam sacratissimum misterii munus accedere festinet immunus. (**Ed.** MGH Capit. epi., ed. Brommer, pp. 231-68, using this MS (siglum V). The opening address is lacking. **Bibl.** Arévalo, *Isidoriana* PL 81.931D-932A. This is written by yet another hand, very similar to the first in the volume. The text is marked with interlinear corrections by a third hand.)
- fol. 69v-71r <**Pseudo-Isidorus, Decretales**, excerptum>
 (Rubrica) De raptoribus rerum ecclesiasticarum. (Textus) <R>es quoque aecclesiarum (ecclesiasticarum *cod.*) ueststrarum et oblationes fidelium ... (Finis) quicum<que> plebem suam contra sacrilege persuassiones (sacrilegas persuassiones *cod.*) auctores noluerit custodire. (Colophon) Data akl. (*sic*) aprls Gallo (Galo^{ac}) et Volusiano vv cc cons. (**Ed.** *Decretales pseudo-Isidorianae*, ed. Hinschius 178-80. The excerpt consists of the second half of the Pseudo-Lucian letter, 'Litteras dilectionis uestre' (JK +123).)
- fol. 71r <**Collectio canonum in 5 libris**, excerptum> (Lib. II. c. 176)
 (Rubrica) Cap. Gregorii pape. (Textus) Vt abbas (abbatem *cod.*) in monasterio non per episcopum aut per quemlibet externum ordinetur, neque missa (misa^{ac}) ab episcopo ibi celebretur, et ut nulli ecclesiæ subiiciatur. Castorio episcopo Ariminensi. Luminosus abbas (Liminosus abba *cod.*) monasterii sanctorum Andreae et Thomae in Ariminensi ciuitate constituti ... (Finis) cum summa deuotione perficiant. (**Ed.** *Collectio canonum in V libris* (ed. cit.) 283-84. This is Gregory I's letter to Castorio (JE 1362; cf. MGH Epp. 1, ed. P. Ewald and L.M. Hartmann, pp. 348-49), but the unusual opening and textual variants suggest its exemplar was a copy of the Collection in 5 Books. Again there is a change of hand at the beginning of this text.)
- fol. 71r-v <**Liber diurnus**, excerptum>
 (Rubrica) Eiusdem (*sic*). (Textus) Si quis autem quod non optamus nefario ausu

- persumpserit ... (Finis) et uitæ etiam ne particeps esse mereatur. (**Ed.** Cf. *Liber diurnus Romanorum pontificum*, ed. H. Foerster (Bern 1958) 166-67. **Bibl.** S. Kuttner, 'The Council of Carthage 535: A Supplementary Note', ZRG Can. Abt. 73 (1987) 346-51 at 347. This is a form of the great anathema juxtaposed with the great blessing. Although this is in the same hand as the preceding excerpt, it has not been discovered in the Collection in 5 Books.)
- fol. 71v-72r <**Concilium Carthaginense**> (535)
 (Rubrica) Eiusdem (*sic*). Felicianus episcopus æcclesiae Ruspensis (Ruspensis *cod.*) dixit apud Ruspen. monasterium est a domno Fulgentio ... (Finis) fuerit, ut ita abbatum aliorum consilio siue iudicio finiatur. (**Ed.** H. Mordek. 'Libertas Monachorum. Eine kleine Sammlung afrikanischer Konzilstexte des 6. Jahrhunderts', ZRG Kan. Abt. 72 (1986) 1-16 at 13-15 (IIa-c), not using this MS, which is collated by S. Kuttner, 'The Council of Carthage 535: A Supplementary Note', ZRG Kan. Abt. 73 (1987) 346-51 at 350. In the margin is a note in Holste's hand: 'Ex concilio Carthaginen. sub Reparato a. 535'. Again the hand changes here, although it is contemporary.)
- fol. 72r-73r <**Pseudo-Isidorus, Decretales**>, excerptum
 (Rubrica) Incipiunt decreta Urbani pape de communi uita et oblationibus fidelium. (Inscriptio) Urbanus episcopus omnibus Christianis in sanctificationem (sanctificatione *cod.*) Spiritus, in obedientiam et aspersionem sanguinis Christi salutem. (Textus) Decet omnes Christianos, karissimi, ut eum imitentur cuius nomen sortiti sunt ... (Finis) et quorum retinueritis retenta sunt (erunt *cod.*). Ideo ista (iusta *cod.*) /// (**Ed.** *Decretales pseudo-Isidorianae*, ed. Hinschius 143-45. The excerpt, Pseudo-Urban I (JK +87), was continued on fol. 73r, by a later hand and it breaks off in mid-sentence at the bottom of the folio.)
- fol. 74r-75v <**Poenitentiale**>, fragmentum
 Omnes decime tærre siue de frugibus siue de pomis arborum domini sunt ... (fol. 75r) (Excerptum ultimum) Vt in sabato sancto, hoc est in uigilia pasce ... (fol. 75v) (Finis) et diuina misteria his duobus diebus non celebrentur. (Although the first and last chapters are from Burchard, *Decretum*: III c. 130 (PL 140.698D-699A) and XIII c. 9 (incomplete: PL 140.886D), this fragment is not wholly dependent on the *Decretum*, but seems to have excerpts from several Italian penitential collections. There is a change of format and hand here, it does not resemble any other part of the manuscript and was probably added in the 12th century. The letters are much larger and heavier, and the capitals are decorated. There are no rubrics.)
- fol. 75v **Gregorius <VII, Concilium Romanum>** (feb.-mar. 1078), cap. 15 et 16
 (Rubrica) G(regorius) papa Romana sinodo presidens dixit. (Textus) Iterum (Nos *cod.*) sanctorum predecessorum nostrorum statuta tenentes eos ... (Finis) sed humanitatis causa aliquid [causa] dare uoluerit, fieri (*om. cod.*) non prohibemus. (**Ed.** MGH Epp. sel. 2.2. ed. Caspar, pp. 372 line 11-373 line 11. This text was added in a younger, very different looking, hand on the previously blank verso of the last original folio of the volume.)
- fol. 75v <**De ordinatione monachorum**>
 (Rubrica) Ex dicto Sancti Gregorii pape. (Textus) Si quis monachus quem elegerit congregatio ... (Finis) nisi cum satisfactione emendauerit. (**Ed.** Cf. *Collectio*

- canonum in V libris*, ed. cit. 289 (Lib. II c. 189), and F.W.H. Wasserschleben, *Die Bussordnungen der abendländischen Kirche* (Halle, 1851, repr. Graz 1958) 163 (*Canones Gregorii* c. 31) and 208-09 (*Poen. Theodori* 9.12-13) all of which bear a resemblance to this text. The text is again, added in a new hand.)
- fol. 75v <**Oratio**>
Deus qui a principio ius (= huius) diei nos peruenire fecisti ... (Finis) nostra precedant eloquia (Added very clumsily by an untrained scribe below the writing space on what was once the last verso of the MS)
- fol. 76r <**Orationes tres**>
/// qui hostiles nequitias potenter expugnas ... ubique adesse dignetur. Per.
(Rubrica) Oratio quando aqua aspergitur in domo. (Oratio secunda) Omnipotens et misericors Deus qui sacerdotibus tuis pre ceteris tantam gratiam contulisti ... (Oratio tertia) Via sanctorum omnium Ihesu Christe ... (Finis) mereamur aulam paradisi introire. Saluator mundi qui uiuis et regnas cum Deo patre in unitate Spiritus sancti. Per. (**Ed.** *Le Pontifical Romano-Germanique du dixième siècle*, ed. C. Vogel and R. Elze, 3 vols. (Studi e Testi 226, 227, and 269; Città del Vaticano 1963-82) II 349f for the 1st, I 133, 182, and II 367 for the second, and II 361 for the third. The quaternio fol. 76-8 all written in an early 12th-century hand, is of a different origin than the rest of the codex. There is a space of 4 lines between this text and the following excerpts.)
- fol. 76r-83v <**Burchardus Wormacensis, Decretum**, excerpta>
Fecisti homicidium uoluntarie, sine necessitate non in oste ... (Finis) Caro enim leta tra<h>it ad culpam, afflicta autem reducit ad ueniam. (**Ed.** PL 140.951C-959D, 959D-960C, 965D-971C, 971D-972B, 972D-973B, 973B, 975A-C, 980C. The excerpts included most of Book 19 c. 5.) **Bibl.** Ballerini, *De ant. coll.* PL 56.325-26; H.S. Schmitz, *Die Bussbücher und die Bussdisciplin der Kirche* (Mainz 1883; repr. Graz 1958) 765; idem, *Die Bussbücher und das kanonische Bussverfahren* (Düsseldorf 1898, repr. Graz 1958) 386 and 397, all identifying and discussing the excerpts.)

Bibl. Fournier-Le Bras, *Histoire* I 453-54; J.J. Ryan, 'Observations on the pre-Gratian canonical collections: Some recent work and present problems', *Actes Louvain* 88-103 at 97-98; idem, *Saint Peter Damiani and his canonical sources* (Toronto 1956) 13 n. 24, correcting some of Fournier's description; *Collectio in V libris*, ed. M. Fornasari (CCLM 6; 1970) vii n. 4, suggesting this MS comes from Farfa; G. Mor, 'La reazione al "Decretum Burchardi" in Italia avanti la riforma Gregoriana', *Studi Gregoriani* I (1947) 197-206 at 203; P.S. Martini, *Roma e l'area grafica romanesca (secoli X-XII)* (Alessandria 1987) 259(-60) n. 149, 269 n. 173, and 315-16, assigning this MS to 'Italia centro-settentrionale', rather than Farfa (See above).

The codex is a composite MS; the last quire (fol. 76r-83v) is of different origin and is slightly smaller in size: 265 (200) x 170 (120) mm, although the sizes of the leaves vary slightly. That the two parts have been bound together from an early period is confirmed by a *probatio pennae* on fol. 76r. The space preceding the excerpts from Book 19 of Burchard's *Decretum* has been partially filled with two *probationes pennae*: the first is 'fecisti', the first word of the following work; but the second, 'Si quis monachus quem elegerit', is obviously taken from the text on the previous verso. Although that text is, itself, an addition, neither it nor the *probatio* can be later than the 12th century. Although they have been separated out above, the texts on fol. 1r-23v are by a single hand and might be taken as a collection gathered for the reform of the church,

especially with regard to simony (see Fournier-Le Bras). This hand reappears on several occasions, always with texts concerned with heresy and clerical reform. The whole volume is heavily dependent of Burchard's *Decretum* and the Collection in 5 Books. The bulk of the MS is written in several variations of Italianate Carolingian minuscule; see above for changes in hand. The ink varies from light brown to almost black. Generally, capitals and rubrics are red. The few decorated initials have been noted above. The title 'Decreta antiqua' appears twice on fol. 1r, once in a 15th-century hand and once in a 16th-century one. Along the top of the folio is the note in Italian (14th-century), 'Qui beni fa malamente he//osi fara elemoysma sempre gli seguira, contrin. cp. primo'. In the left margin are two possible ex libris: 'Pietro di Giovanni Barachie' and 'Donato di Fatio mercatante'. All three notes may be by the same hand. At the top of fol. 17r is a short comment in Italian in a red chancery script. 'Questo non è sonetto d'aver poco ... vien fallita spetialmente chi di sua vita'. At regular intervals throughout the manuscript there are marginal notes in the hand of Lucas Holste which identify the texts, including notes to the misbinding at fol. 32v, 33r and 47v, 48r. The first seven quires are marked with centered roman numerals, the first (on fol. 8v) is marked 'II', the last (fol. 47v) 'VII'. 'VI' is missing. The top of fol. 16 has been cut off. The folios are lined in dry point, and prickings are visible. Some folios have very uneven edges. The MS has a 19th-century brown leather binding. Fol. 73v is blank.

Vat. lat. 3831

saec. XIIin.

Prov. probably Sidon, monastery of Sankt Blasien, O.S.B.

151 memb. 336 (234) x 209 (131) mm, origin Italy. Quaterniones, saec. XIIin.

fol. 1ra-151v <**Collectio in 3 libris**>

(Rubrica) De primatu Romane æcclesie. Ex libro Deuteronomii. (Textus) Si difficile et ambiguum apud te iudicium esse ... (Finis) in ecclesia reliqua officia agere debeat.

Ed. Edition in preparation by G. Motta. P. Fournier, 'Une collection canonique italienne du commencement du XII^e siècle', *Annales de l'Université de Grenoble* 6 (1894) 343-438, printing the rubrics and incipits of the first and last chapter of each title from this MS and p. 365-99 further selections from specific titles. **Bibl.** FLB II 198-2??, G. Motta, 'Osservazioni intorno alla Collezione Canonica in tre libri', *Proceedings Salamanca* 51-65; idem, NEW EDITION?? p. xlv-xlv, p. xxviii n. 10; J. Erickson, 'The Collection in Three Books and Gratian's Decretum', *BMCL* 2 (1972) 67-75; G.G. Picasso, 'Testi canonistici nel Liber de honore ecclesiae di Placido di Nonantola', *SG* 20 (1976) 291-308 passim, on texts of Placidus in this collection; U. R. Blumenthal, *The early councils of Pope Paschal II, 1100-1110* (Pontifical Institute of Medieval Studies, Studies and Texts 43; Toronto 1978) 109-20, using the MS (Vc) in an edition of the Lateran council of 1100; Fowler-Magerl, *Ordo* 2, on roman law excerpts at fol. 80va-vb; eadem, 'Vier französische und spanische vor-Gratianische Kanonessammlungen', *Aspekte europäischer Rechtsgeschichte* Festgabe für Helmut Coing (Ius Commune, Sonderhefte 17; Frankfurt a.M. 1982) 123-46 at 135(-36) n. 4; Mordek, *Kirchenrecht* at 140 n. 197; Brommer, 'Rezeption' at 133; Gilchrist, 'Reception', part 1 pp. 47-48; R. Schieffer, *Die Entstehung des päpstlichen Investiturverbots für den deutschen König* (MGH Schriften 28; Stuttgart 1981) 70 n. 106, noting that JL 4406, printed by Mansi (19.907) from the Pistoia MS of the collection, is not the version in the present MS; Reynolds, 'Epistula' at 272, on the presence of an excerpt from this pseudonymous letter (in Gratian, D.25 c.12 § 12) in this collection; J. Gilchrist, 'The Gregorian reform tradition and pope Alexander III',

Miscellanea Bandinelli 257-87 at 279, 281-83, discussing the transmission of the autumn synod of 1078, using this MS: siglum 3L; T. Lenherr, *Die Exkommunikations- und Depositionsgewalt der Häretiker bei Gratian und den Dekretisten bis zur Glossa Ordinaria des Johannes Teutonicus* (Münchener Theologische Studien. III Kanonistische Abteilung 42; Sankt Ottilien 1987) 16, 135 n. 97, 157 n. 189, 159 n. 196, 170 n. 240, using this MS (siglum 3L) for the edition of C. 24; A. Maier, 'Die Handschriften der "Ecclesia Sidonensis"', *Manuscripta* 11 (1967) 39-45 at 40-41 with Adelenda repr. in: eadem, *Ausgehendes Mittelalter III* (Roma 1977) 281-28 at 282.

The text is in yellow-brown ink in a late Carolingian minuscule by a single scribe, fol. 145-47 seem to be a palimpsest. Rubrics and initials are red, some of the latter with red decorations. Books begin with large multicolored initials on a dark background. The ex libris 'ecclesie Sydonensis' written in a 14th-century cursive on the first and last folios, refers probably to Sidon (Palestine) as Maier convincingly argues. GIVE HERE REFERENCE FOR ST. BLASIEN?? This MS is no. 939 of the Avignon inventory of 1369 and no. 328 of the 1411 inventory, cf. Maier. Fol. 151r-v is badly rubbed and difficult to read. Some folio edges are uneven. Prickings are visible in the margins. Quires have been marked on the last verso with a roman numeral and catchword, perhaps by a later hand. The MS was rebound in leather in 1967.

Vat. lat. 3832

saec. XI-XII

<I> +199 fols. memb. 351 (286) x 212 (131) mm, origin in Italy (Rome). Quaterniones, saec. XI-XII.

<I>v **Leo <I>, Sermo de ieiunio decimi mensis** (19)

(Rubrica) Incipit sermo Leonis pape. De ieiunio decimi mensis (mensuum IIII *cod.*). (Textus) Cum de aduentu regni Dei ... (Finis) per omnia secula seculorum. (**Ed.**

Sancti Leonis Tractatus, ed. A. Chavasse I 76-80.)

fol. 1r-21v <**Pseudo-Isidorus, Decretales**>, excerpta

(Inscriptio) In nomine sancte et indiuidue Trinitatis Patris scilicet et Filii et Spiritus sancti, Imperator Cæsar Flavius Constantinus ... sanctissimo ac beatissimo patri patrum Siluestro urbis Romæ episcopo et papæ (*ed.* 249) ...

(Textus) Ea que saluator atque redemptor noster ... (Excerptum ultimum)

(Rubrica) Leonis pape Niceto episcopo. cap. VII. (Textus) Hi qui baptismum ab hereticis acceperunt ... (Finis) ut (*ad om. cod.*) omnium obseruantiam (*obseruantia cod.*) data prosit auctoritas (*ed.* 621). (**Ed.** *Decretales Pseudo-Isidorianae*, ed. Hinschius 31-254 and 449-661 passim. The excerpts begin with the Donation of Constantine (*ed.* 249-54), followed by the Preface to the Council of Nicea (*ed.* 254-57), then a long series of excerpts from papal letters, both apocryphal and authentic. **Bibl.** *Das Constitutum Constantini (Konstantinische Schenkung)*, MGH Fontes X, ed. H. Fuhrmann, p. 25 and n. 44, discussing the form of the Donation found in this MS and noting that a similar set of Pseudo-Isidorian excerpts exists in Assisi, Bibl. com. MS 227.)

fol. 6v *marg.* <**Pseudo-Isidorus, Decretales**, excerpta addita>

(Rubrica) Clemens papa. (Textus) Christo itaque resurgente et in cælum ascendente (*ascendente in caelum ed.*) ... (Excerptum ultimum) (Rubrica) Idem.

- (Textus) Unum (Unde *ed.*) consilium (consoilium *cod.*) dantes uestram prudentiam ... (Finis) interius (uota possint *add. ed.*) celebrare festiua. (**Ed.** *Decretales Pseudo-Isidorianae*, ed. Hinschius 37-39, 63-66 passim. These five excerpts from the Pseudo-Clementine letters have been added in the margin by a contemporary, but less formal, hand. If considered as a continuum with the Clementine excerpts which end on fol. 7r, they are identical (agreeing in readings against the edition as noted above) with Book 1.1.1-9 of the Collection in 13 Books, Berlin, Savigny MS 3 at fol. 4ra-9ra.)
- fol. 19v *marg.*., **Concilium Nicenum, cc. 8 et 16**
 (Rubrica) Ex Niceno concilio. Titulo VIII. (Textus) Et (*om. cod.*) ut episcopo Ihero-solimitano antiquitus tradita ... (Rubrica) Ex eodem titulo XVI. (Textus) Et ne (Nullus *pro* Et ne *cod.*) de ciuitate inferiori ad maiorem ecclesiam ... (Finis) siue episcopus siue etiam alius clericus. (**Ed.** Turner, *Monumenta* I 201, 223, showing that the canons are in the *versio Rufini*. These two canons have been added in a neat hand similar to that on fol. 198r-v.)
- fol. 22r-23r **Gregorius <I, Epistolae, excerpta>** (ex JE 1112, 1298, 1332, 1331, 1844, 1373, 1364)
 (Rubrica) Gregorii pape Petro subdiacono. (Textus) Cognouimus (etiam *add. ed.*) quod si quis ex familia (*ed.* I 65 line 14) ... (Epistola ultima) In lucrandis animabus ... (Finis) quos sufficientibus stipendiis institutis non esse contentos (*ed.* I 348 line 19). (**Ed.** MGH Epp. 1-2, ed. P. Ewald and L.M. Hartmann, I 65, 67, 261, 299-300, 298-299; II 325-26; I 360-61, 348. They follow the order of the excerpts, which are from I 42 (2 excerpts); IV 26 (2 excerpts run together); V 18; V 17; XI 52; V 57; and V 48. Each excerpt has an abbreviated inscription to identify it. All are concerned with the reform of the clergy and follow the theme at the end of the preceding Pseudo-Isidorian excerpts.)
- fol. 23v-99v **<Collectio in duobus libris>**
 (fol. 23va) <Tabula collectionum> ... (fol. 27rb) (Rubrica) I. De primatu Romanæ æcclesiæ in libro Deuteronomii. Cap. XIII. (Textus) <S>i difficile et ambiguum apud te iudicium ... (Finis) Itaque qui se medicis dederit sensum sibi abnegat. (**Ed.** J. Bernhard, 'La collection en deux livres, vol. I' (no further volumes), RDC 12 (1962) 25-542. The editor notes (p. 14) that the table on fol. 23v-27r lacks about two hundred items which are present in the collection and (p. 104) that the collection itself is imperfect: between fol. 32v and 33r it skips from Book 1 c. 56 in med. to Book 1 c. 197 in fine. **Bibl.** J. Bernhard, 'L'identification d'un texte du Décret de Gratien (D.96 c.11) et la "Collection en deux livres"', *Études d'histoire du droit canonique dédiés à Gabriel LeBras*, 2 vols. (Paris 1965) I 25-32, discussing his theories on the formation of the collection; J. Gilchrist, 'The collection of cod. Vat. lat. 3832, a source of the Collection in Seventy-four Titles?', *ibidem*, I 141-56, refuting many of Bernhard's theories; Fournier-LeBras, *Histoire* II 127-31 and 168; Ballerini, *De antiq. coll.* PL 56.349; Perels, 'Nikolaus', part 2 pp. 118-19, on fol. 34-35 (i.e., Nicholas I, Epistle 88); G. Picasso, *Collezioni canoniche Milanesi del secolo XII* (Milano 1969) at 273-75, with a concordance of this collection and his three Milanese collections; Mordek, *Kirchenrecht* at 139 n. 194 and 140 n. 197; R.E. Reynolds, 'Isidore's texts on the clerical grades in an early medieval Roman manuscript', *Classical Folio* 29

- (1975) 95-101, at 100 n. 29, on Book 2 cc. 374-77 (*ed.* 536-38); Coquin, 'Le sort des *Statuta*' at 210, saying that Anselm of Lucca used the version of the *Statuta Ecclesiae Antiqua* found in this collection; *Avellana*, ed. Günther 369-98, edited fol. 94v-98v, the letter *Valde mirati* of Gelasius I, using this manuscript (siglum R); O. Günther, *Avellana-Studien*, Sb Akad. Vienna 134 (Wien 1896) at 102, on the same letter.
- fol. 99v-194r <**Continuatio Collectionis in duobus libris**>
 (Rubrica) Augustinus in Genesi ad litteram. (Textus) Cum uisus corporalibus diabolus fallit ... (Textus ultimus) Tunc si est synodus ulla estivo tempore ... (Finis) benedictus ... descendat super vos. (Colophon) Amen. (**Ed.** *Decretum Gelasianum*, ed. Dobschütz, at 17, 29-61, and 168, for the Gelasian decretals, fol. 108v-109v, using this manuscript (siglum G12); R. Schieffer, *Die Entstehung des päpstlichen Investiturverbots für den deutschen König* (MGH Schriften 28; Stuttgart 1981) 213-15 for Alexander II's investiture prohibition, fol. 119v-120r, using this manuscript (siglum V₃); J. Gilchrist, 'Die Epistola Widonis oder Pseudo-Paschalis. Der erweiterte Text'. DA 37 (1981) 576-604 at 594-604, for the *Epistola Widonis*, at fol. 183r-v, using this manuscript (siglum V₃), which is described at p. 590; PL 140.537-1062, for the excerpts of Burchard's *Decretum* on fol. 125v-193r, included are excerpts from Books 2-11 and 17-20, as well as the Council of Seligenstadt. **Bibl.** L. Fowler-Magerl, 'Vier französische und spanische vorgratianische Kanonessammlungen', *Aspekte europäischer Rechtsgeschichte*. Festgabe für Helmut Coing (Ius Commune, Sonderhefte 17; Frankfurt a.M. 1982) 123-46 at 127 n. 21. 137-38 et passim, identifying fol. 108v-122v as excerpts common to this MS and the *Collectio Sinemurensis*, and 140, where she identifies 15 canons on fol. 192r common to this MS and the Collection in 13 Books (Berlin, Savigny 3); Perels, 'Nikolaus', part 2 118-119, on Nicholas I, Epp. 106, 99, and 86 on fol. 116v and 117v, Epp. 139 on 142v, and 146 on 147r; Gilchrist, 'Reception', pars 1 p. 43 and idem, 'The Gregorian reform tradition and pope Alexander III, *Miscellanea Bandinelli* 257-87 at 279, 281-82 (siglum 2L) on the version of the Council of Rome (aut. 1078) at fol. 124v-125r; R. Schieffer, 199, names this as an example of the many Gregorian collections that preferred the investiture canon of autumn 1078 to that of 1080. Although individual texts in this section have been picked out for comment by various modern authors, the texts are treated as a continuum in the MS, all being written by the same scribe as the preceding collection, in the same format and continuing the theme of the last canons of the collection. The only notation dividing these texts from the collection is a modern marginal note on fol. 194r, next to the last canon of the collection, noting that that canon is the last mentioned in the table.)
- fol. 194r-195r <**Bernoldus Constantiensis?, Libellus de lite**>
 (Rubrica) Ex decretalibus Iulii pape de metropolitanis episcopis ... (Textus) Quoniam sanctam Romanam æcclesiam primatum æcclesiarum omnium ... (Finis) bene comprobatus atque conuictus. (**Ed.** J.J. Ryan, 'Bernold of Constance and an anonymous *Libellus de lite*'. AHP 4 (1966) 9-24 at 22-24, from this manuscript, suggesting Bernold as possible author.)
- fol. 195r **Oratio Fulberti**
 (Rubrica) Proclamatio ante altare (ante altare *om. ed.*) antequam dicatur (dicant

- ed.) 'Pax Domini', composita a domino Fulberto pro aduersariis 'aecclesiæ'.
 (Textus) In spiritu humilitatis et in animo contrito ... (Finis) visita nos in pace et
 erue (nos *add. ed.*) a presenti angustia. <Initia Psalmorum> ... (Collecta)
 Conspirantes Domine contra tuæ plenitudinis ... sed subdatur semper falsitas
 ueritati. P. Pax Domini sit semper uobiscum et cum spiritu tuo. (**Ed.** F.I. Dunod,
Histoire de l'Eglise, ville et diocèse de Besançon, 2 vols. (Besançon 1750) I pp.
 vii-ix, partially reprinted in PL 141.353-54.) Approximately one third of the folio
 remains blank.
- fol. 195v-198r <**Additiones ad Collectionem in duobus libris**>
 (Inscriptio) Gregorius Augustino Cantuariensi episcopo. (Textus) Mos apostolicæ
 sedis est ordinatis episcopis precepta tradere ... (fol. 197v) (Excerptum ultimum)
 (Rubrica) Augustinus. In libro de uera religione. (Textus) Neque in confusione
 paganorum neque in purgamentis hereticorum ... (Finis) donec talibus tegminibus
 exuantur. (**Ed.** of the first, which is a paraphrase of most of Question 1 of JE
 1843, cf. MGH Epp. 1-2, ed. P. Ewald and L.M. Hartmann, II 333-34, and cf. Ivo,
Panormia Lib. II c. 8 (PL 161.1084-85) and Anselm of Lucca, *Collectio canonum*
 Lib. V c. 60 (ed. Theiner) p. 257, but both are much shorter than this excerpt. The
 last is *De vera religione* V 9.35-VI 10.13. **Ed.** CCL 32, ed. I. Martin, p. 194.
 These are excerpts from patristic, synodal, and papal sources (including Urban II's
 letter JL 5378, at fol. 196r-v) concerning heresy and clerical morals. They have
 been added by two hands (change at fol. 196r with JL 5378) in a format similar to
 the preceding collection.)
- fol. 198r <**Canones duo**>
 <Q>uoniam uero quidam sub pretestum??? habitus ... (Textus secundus)
 (Rubrica) <L>eo episcopus Maximo Antioceno episcopo. (Textus) Illud
 dilectionem tuam conuenit precauere ... (Finis) et inferiora superioribus non
 resultent. (These two canons have been added in a different hand. The second also
 appears in the *Collectio Sinemurensis* I c. 121. Space remains for small capitals
 and, perhaps, for a rubric for the first canon.)
- fol. 198r **Concilium Constantinopolitanum** <I (381), cc. 4-5>
 (Rubrica) Ex concilio Constantinopolitano capitulo tercio (*sic*). (Textus) Episcopi
 super dioceses quæ trans fines ... (Rubrica) Item idem cap. IIII. (*sic*). (Textus)
 Episcopum tamen Constantinopolitanum habere primatus ... (Finis) quod est noua
 Roma. (**Ed.** Turner, *Monumenta* II 429-31, showing that these canons are in the
versio rustica.)
- fol. 198r-v **Concilium Chalcedonense**, <c. 28>
 (Rubrica) Ex concilio Calcedonensi. Capitulo XXVII (*sic*). (Textus)
 <D>efinitiones sanctorum patrum sequentes ubique regulam quæ nunc relecta est
 ... (Finis) decretis consonis secundum morem factis et ad eum relatis. (**Ed.** *Acta
 conc. oecum.*, ed. Schwartz, II.3.3, p. 102, showing that this canon is in the *versio
 rustica* where it is not listed in the official canons of the council.) This and the
 Constantinople canons which precede it are in the same hand and ink, different
 from that which precedes them. See also below.
- fol. 198v-199r <**Sententia excommunicationis Byzantinorum (1054) interiecta**>
 In tempore Leonis noni pape Romani et Constantini Monomachi imperatoris
 Constantinopolitani facta sunt hec. (Carta) Humbertus Dei gratia cardinalis

episcopus sancte Romane ecclesiae ... (Finis cartae) imo cum diabolo et angelis eius nisi forte resipuerint. Amen Amen Amen. Quicumque fidei sancte Romanæ et apostolicæ sedis ... hereses animas, imaginem Dei extinguunt. Gratia Dei cum omnibus uobis semper. Amen. (Ed. PL 143.1002C-04C for the excommunication.

Bibl. J.J. Ryan, 'The legatine excommunication of Patriarch Michael Cerularius (1054) and a new document from the First Crusade epoch', SG 14 (1967) 13-49, printing the rest of the text at p. 20, and discussing the diplomatic aspects of the text. Ryan has noted that the conciliar canons preceding and the letter following this text are all tied to it by theme and that, although the color of ink of the first two is distinctly different, they may all have been written as a piece.)

fol. 199r **Paschalis <II, Epistola>** (JL 5835)

(Inscriptio) Paschalis episcopus seruus seruorum Dei. Vniuersis fratribus siue filiis, episcopis ... in Asia triumphantis, salutem et apostolicam benedictionem. (Textus) Quod per prophetam populo suo Dominus pollicetur ... (Finis) exilio uestro patriam eternam retribuat. Datum (Romae *om. cod.*) IIII Kal. maii per manum Johannis diaconi. (Ed. H. Hagenmeyer, *Die Kreuzzugsbriefe aus den Jahren 1088-1100* (Innsbruck 1901; anast. repr. New York 1973) 178-79, using this MS (siglum A), see also Mansi 20.979-80 for a slightly different version.

Bibl. J. von Pflugk-Harttung, *Iter italicum*, 2 vols. in 1 (Stuttgart 1883-84) 125.)

Bibl. Thiel, *Epistolae xxxii-xxxiii*, H. Bernhard, 'La collection en deux livres, vol. I' [no further volumes], RDC 12 (1962), with a photograph of fol. 33v as the frontespiece; Ryan at 26-28.

The MS is written in varying shades of brown ink in late Italian Carolingian minuscule. A single scribe has executed fol. 1r-195r (perhaps also <I>r). Marginalia have been added by two contemporary hands, as noted above. Other hands then added the texts on fol. 195v-199r, with changes noted at 196r (?), 198r (twice), and 198v. Rubrics and capitals are red; either or both are missing in some sections, as noted above. Space remains for large capitals on fol. 1r and 27v. In the early folios, occasional marginalia in a late medieval hand identify texts common to this MS and Gratian's *Decretum*. Gatherings are signed at the end with letters. Fol. 32v is signed 'd' and fol. 40v is signed 'g', signalling the lacuna in the text and suggesting that two quaternions (16 folios) are missing. <I>v is badly worn with some loss of text. Fol. 198v-199r are faded and illegible in part. The recto of the modern guard folio at the front has a note on the lacuna in the text; the verso has further modern notes on the text. Prickings are visible in the lateral margins. Many leaves have irregular edges or holes in the text space. Some leaves have been mended. The MS has a 19th-century leather binding. <I>r is blank except for the library stamp and shelfmark; fol. 199v is blank.

Vat. lat. 3833

saec. XI-XII (1099-1118?)

Prov. Rome, Basilica of Santi Apostoli

144 fols. memb. 247 (181) x 189 (123) mm, origin France (?). Quaterniones, saec. XI-XII (1099-1118?)

fol. 1r-3r **Ordo de celebrando concilio**

(Rubrica) Incipit ordo de caelebrando concilio. (Textus) Hora diei prima ante solis ortum eiciantur ... (Finis) cum patribus xxxiii. eaque sub anathematis uinculo alligauit. (Ed. V. Wolf von Glanvell, *Die Kanonessammlung des Kardinals Deusdedit* (Paderborn 1905, repr. Aalen 1967) 618-28, using this MS.)

fol. 3r-5r **Synodus Constantinopolitana** (448)

(Rubrica) Incipit diffinitio synodi Constantinopolitane aduersus Euthicen.

(Textus) Congregata rursus sancta et magna synodo ... (fol. 4v) (Finis) et ipsi pæne excommunicationis si qui non declinauerint confabulationes eius.

Subscriptiones episcoporum. Flavianus episcopus Constantino poleos iudicans subscripsi ... Januarius Macrianensis. Timotheus Priamopolitanus. Ginetrius Arguius. Finiunt gesta sinodi. (**Ed.** Ed. cit. 628-35, using this MS; Mansi 6.730-45.)

fol. 5r-6r **Anastasius <II, Epistola>** (JL 751)

(Inscriptio) Dilectissimis fratribus uniuersis episcopis per Galliam constitutis

Anastasius papa. (Textus) Bonum atque iocundum Dauitico sermo designat habitare fratres in unum. (Ps. 132.1) Nam nos, licet terrarum spatia ... (Finis)

Credimus quia in hac clarissima tuba omnis improbitas conquiescat. Deus uos incolumes custodiat, fratres karissimi. Data x. kal. septembris, filio Paulino uiro clarissimo consule. (**Ed.** Ed. cit. 635-39, using this MS.)

fol. 6r-7r **Concilium Carthaginense** (419)

(Rubrica) Incipit prologus Aurelii archiepiscopi totius concilii Africanæ

prouinciæ ... in secretario basilicæ Fausti. (Textus) Cum Aurelius papa una cum

Valentino primæ sedis prouinciæ Numidiæ ... (Finis) actis presentibus inserta noscuntur. (**Ed.** Ed. cit. 639-43, using this MS; *Concilia Africae*, A.345-A.525, ed. C. Munier (CCL 149; 1974) 89-94, with slightly different ending.)

fol. 7r-8r **<Catalogus pontificum>** (Petrus-Paschalis II) (**Ed.** Wolf von Glanvell, ed. cit. 643-46, using this MS.)

fol. 8r-144v **Deusdedit <cardinalis, Collectio canonum>**

(Inscriptio) eatissimo atque apostolico uiro pontifici domno papæ Victori tertio ... Deusdedit exiguus presbiter ... (Praefatio) Nouit beatitudo uestra quod

sancta Romana ecclesia ... (fol. 9v) <Tabula capitulorum totius collectionis> ...

(fol. 16v) (Praefatio secunda) (Rubrica) Hysidorus in prefatione canonum.

(Textus) Scire autem uos, lxxx. episcopos, qui hoc opus me incipere ... (Liber I.)

(Rubrica) Incipit liber primus. Ex concilio Niceno Cap. VI. (Textus) <A>ntiqua consuetudo optinuit, ut urbis Romæ episcopus habeat principatum ... (Finis)

subscriptiones et subscripserunt apocrisarii pape et post eos cæteri episcopi. (**Ed.**

Ed. cit. 1617, using this, the principal MS of Deusdedit (siglum D), and

discussing it passim, esp. xx-xxiv. Folio numbers in the margins of the edition are to this MS, and passages in the margins (except inscriptions) of this MS appear in

italics. Andrieu, *Les ordines romani* IV 193-205, using this MS (siglum D), for 2.108-113, fol. 57r-60r, as *Ordo* 36; *ibid.* II 129, under the same siglum, for

2.114, fol. 60r, as a fragment of *Ordo* 3. **Bibl.** Fuhrmann, *Einfluss und Verbreitung* at 524-33 and 779 n. 13, with observations on the edition's use of this

MS at 524 n. 263; H. Foerster, 'Die Liber Diurnus-Fragmente in der

Kanonessammlung des Kardinals Deusdedit', *Lebendiges Mittelalter. Festgabe für Wolfgang Stammer* (Freiburg Schw. 1958) 44-54.)

fol. 144v **<Versus>**

Anna uiro Joachim peperit te uirgo Maria ... (Finis) sic tribus una uiris genuit tres

- Anna Marias. (**Ed.** Wolf von Glanvell ed. cit. 617 n. 9.)

fol. 1r-144v **<Evangelarium in palimpsesto>**

(**Bibl.** Lowe, CLA I 7, with plate of fol. 16v; Gamber, *Codices* I 453-54; *Les manuscrits liturgiques*, ed. Salmon, II 64. The palimpsest text is in a 7th- or 8th-century Italian uncial.)

Bibl. Ballerini, *De antiq. coll.*, PL 56.330-38; K. Steinacker, 'Die Deusedithandschrift (Cod. Vat. 3833) und die ältesten gallischen libri canonum', *MIÖG Ergänzungsband* 6 (1901) 113-44.

The text is in a late Carolingian minuscule in brown ink, with corrections, sometimes several lines long (e.g., fol. 6r), in several contemporary hands. There is a note identifying the text in a modern hand at fol. 1r. Starting at fol. 35v, chapter inscriptions are often in the margins, usually bordered by various designs. Fol. 1r opens with a stylized acanthus initial. Space was reserved at the beginning of each book for an opening initial. Only that to Book 3, on fol. 67r, was finished. It is in an elaborate white-vine design with two animal heads and some background color. The initial to Book 2, at fol. 50v, was started by an untrained hand. Capitals are red, and the letters of the inscriptions are outlined in red. On fol. 1-7 and 140v-144v the inscriptions themselves are red. The simple running titles are the letter 'L' on the left and a roman numeral or the first letter of the numerals' word ('P. S. T. Q') on the right. Fol. 144v has a 13th-century ex libris: 'Liber basilice sanctorum apostolorum in urbe'; the Vatican inventory registers the MS only in 1620; cf. ed. cit. xx. Frequent holes have been repaired with paper. Catchwords are at the lower right. The parchment was prepared with double compass pricks. Folios in the first quire are waterstained, folios of the last quire suffer from mildew. The MS has a 19th-century parchment binding.

Vat. lat. 3845	saec. XII.2
-----------------------	--------------------

Prov. Barbo family.

123 fols. memb. 310 (180-190) x 203 (80) mm, origin Italy. Quaterniones, saec. XII.2.

fol. 1ra-rb <**Tabula titulorum legum Langobardorum**>

fol. 1v-123r <**Leges Langobardorum (Lombarda), recensio vulgata**> (See Vat. lat. 8782 fol. 1ra-46vb for further information.) *Variants:*

(Versus) Qui legit has leges non querat ledere reges | Num quod et ipsa docet
lectio prima nocet. <Inscriptio praem. ante rubricam.> (Rubrica) Legis
Longobardorum liber primus incipit ... (Colophon) Laus tibi sit Christe | Quoniam
liber explicit iste. (**Ed.** MGH LL (in Folio) IV ed. F. Bluhme ciii (siglum 4)
printing the verse.)

fol. 1v-122v marg. <Incertus auctor, **Glossae ad leges Langobardorum**>

(**Bibl.** D'Amelio, *Indagini* 54 n. 90; M. Bellomo, *Problemi di diritto familiare nell'età dei comuni* (Milano 1968) 5 n. 13.)

Cat. Dolezalek, *Verzeichnis* II.

The MS is written in a late Carolingian minuscule in brown ink and has extensive glosses. The siglum 'a' appears occasionally; e.g. fol. 115r, 116r et passim. Additional texts were added in the margins; e.g. fol. 55v. Fol. 1r is largely illegible, as are the notes on fol. 36v, 47r, and 50v. A primitive illumination of a crowned king in red, blue, and green appears on fol. 1va. The table (fol. 1ra-rb) is in a 13/14th-century hand. At fol. 109r the scribe added among the glosses the verse, 'O Girarde cardinalis ... Vel adminus quadraginta'. The rubrics are red. The capitals at fol. 1v-2r are red or blue. Those on later folia are red. In the 15th century the arms of the Barbo family surmounted by a cardinal's hat were added at the bottom of fol. 2r. According to Bluhme, *p.* ciii, the MS was already in the Vatican library in the reign of Paul V (1605-1621), was removed to Paris in 1797, and was returned to Rome after 1815. The Vatican library's stamp was superimposed on that of the Bibliothèque nationale at fol. 1r. At fol. 123v is written, in a 17th-

century hand, 'Ex pluteo vii in quo extant canonistae in bibliotheca publica a sinistra ingredientis per portam maiorem Bibliothecae Apostolicae'. 'Testus langobarde' was written on fol. 1r and 123v in a 13/14th-century hand. Catchwords, where present, are at lower right. The MS has a 19th-century leather binding, reusing parts of the 17th-century one.

(ANALYSIS OF THIS IMPORTANT MS IS INADEQUATE: 8782 NOT GOOD AS BASE; GLOSSES MUST BE DESCRIBED; BIBLIOGRAPHY IS INCOMPLETE - I COULDS DO HOWEVER NEED TIME!)

Vat. Lat. 3883	saec. XVI.1
-----------------------	--------------------

Scr. Georges Costa; Francesco Todeschini-Piccolomini(?).

<II> + 174 fols. + 125a + 157a-d + 169a-d - 57-58 chart. (<I>: memb.) 297 (194) x 218 (124) mm, origin Italy (Rome). Seniones, saec. XVI.1.

<I>v **Alexander <VI, Epistola Nobilitas generis>**, fragmentum

(This unfinished copy of the letter *Nobilitas generis* was cut down and its blank verso used for a title page.)

<I>v <**Tabula codicis**>

(The table was added on the blank lower half of the folio. **Ed.** Celier, 'Alexandre VI et la réforme' 89-90.)

fol. 1r-11r **Nicolaus Cusanus, <De reformatione ecclesiae>**

(Rubrica) N. Cussa cardinalis pro reformatione. (Textus) Vt hæc nostra reformatio capiatur per cuiuslibet intellectum esse iusta ... (Finis) puniantur et de curia eiiciantur. (**Ed.** S. Ehses, 'Der Reformentwurf des Kardinals Nikolaus Cusanus', *Historisches Jahrbuch* 32 (1911) 274-97. **Bibl.** R. Haubet, *Studien zu Nikolaus von Kues* (Münster i. W. 1959) 10-11.)

fol. 14r-25v **Sixtus <IV, Reformationes curiae>**

(Inscriptio) Sixtus ad perpetuam rei memoriam. (Praefatio) Quoniam regnantium cura non minor est praua corrigere ... (fol. 14v) (Rubrica *marg.*) De reformatione palatii. ... (Textus) Primo igitur ut a capite edatur ratio ... (Finis) nullius sint roboris uel momenti. (**Ed.** The sections on the papal chancery, fol. 15r-16v and fol. 21r-24r, are edited in Tangl, *Päpstliche Kanzleiordnungen* at 379-85, using this MS (siglum A). **Bibl.** Tangl, 362; Celier, 93-95, on the structure of the bull v. Hoffmann II 230s dating June 1473/July 1474. The hand changes at the bottom of fol. 24v; the new scribe filled the margins of the page before continuing his text on fol. 25r-v.)

fol. 27r-50v <Auctores varii et incerti, **Documenta de reformatione poenitentiariae**>

(Textus) Maius siue principale offitium poenitentie quod alii audent ... (Textus ultimus) (Rubrica) Forma procedendi in rebus ... pro suis tribunalibus decernentibus, que sunt sex. (Textus) Procuratores siue sollicitatores dicti officii ... (Finis) periculum maximum immineret ei, qui illi fraudi esset etc. (This collection of materials on the Poenitentiaria was part of the documentation submitted to the commission of cardinals appointed by Alexander VI in 1496 to plan for the reform of the Curia. The contents include: two interrelated reform proposals (fol. 27r-34v, 38r-41r, **Ed.** Göller, *Päpstliche Pönitentie* II.2 pp. 107-33 and 101-06, from this MS; **Bibl.** F. Tamburini, 'Il primo registro di suppliche dell'archivio della sacra penitenzieria apostolica (1410-1411)', *Rivista di storia*

- della chiesa in Italia* 23 (1969) 384-427 at 408 n. 44, 416 n. 54); summaries of several papal bulls and an oath of office (fol. 37r); four papal letters: Alexander VI, *Consueverunt Romani pontifices* (1. April 1496) (fol. 42r-43r, 46r) and *Attendentes* (26. Aug. 1497) (fol. 45r-v, **Ed.** Göller, *Päpstliche Pönitentiarie* II.2 pp. 86-87, using this MS), Eugenius IV, *Ad sacram Petri sedem* (fol. 44r-v, cf. Vat. lat. 3994 fol. 83v-85r), and Innocent VIII, *Super familias* (fol. 44v-45r, cf. Vat. lat. 5424 fol. 209r-211r), notes on the faculties of the major penitentiary (fol. 49r, **Ed.** Göller, *Päpstliche Pönitentiarie* II.2 p. 1 from this MS, except for the concluding additional note); and instructions by cardinal Giuliano della Rovere (later Julius II) on the proper expediting of letters (fol. 49r-50v, **Ed.** Göller, *Päpstliche Pönitentiarie* II.2 pp. 31-34, from this MS). **Bibl.** Celier, 97, 109.)
- fol. 53r-78r <Auctores varii et incerti, **Documenta de reformatione cancellariae**> (Rubrica) Circa reformationem cancellarie. Cancellaria habet laudabiles constitutiones ... (Textus ultimus) (Inscriptio) Innocentius episcopus ... ad perpetuam rei memoriam. (Textus) Etsi de cunctis Romane curie officiis ... (Finis) suspensionem a sui officii exercitio aut emolumentorum perceptione uel alias puniatur non obstantibus, etc. ... Nulli ergo etc. Datum Rome apud sanctum Petrum anno incarnationis Dominice millesimo quadringentesimo (nonagesimo *add.ed.*) sexto decimo kal. ianuarii, pontificatus nostri septimo anno. (This collection of materials includes several reports submitted to the cardinals of the reform commission: fol. 53r-54r (**Ed.** Tangl, *Päpstliche Kanzleiordnungen* 386-88 from this MS), fol. 55r-56v (**Ed.** W. v. Hofmann, *Forschungen zur Geschichte der kurialen Behörden vom Schisma bis zur Reformation*, 2 vols. in 1 (Rom 1914; anast. repr. 1971) II 233-36 from this MS); fol. 73r-v (**Ed.** Tangl, 388-90 using this MS); fol. 74r-v (**Ed.** Hofmann II 232-33 using this MS); Eugenius IV, *Romani pontificis* (fol. 59r-62r, **Ed.** Tangl 168-75, not using this MS); instructions of Paul II on the production of apostolic letters (fol. 62r-v, **Ed.** Tangl 192-93, not using this MS); Sixtus IV, *Cum sicut frequentibus* (9 jan. 1481) (fol. 63r, **Ed.** Tangl 193-95, not using this MS) and *Cum sicut accepimus* (9 jun. 1472) (fol. 63v, **Ed.** Tangl 205-07, not using this MS); a report on the *register bullarum* and a rebuttal to it (fol. 66r-69v, 64r-65r respectively, **Ed.** Tangl 390-97, 398-400, from this MS); Innocent VII, *Etsi de cunctis* (17 dec. 1490) (fol. 70r-71v, 78r, **Ed.** Tangl, 425-28, from this MS); and an incomplete text of a protest of the *collectores plumbi* (fol. 72r-v, **Ed.** Tangl 400-02, from this MS; fol. 74, **Ed.** ZZ Hofmann II 232s, from this MS).)
- fol. 80r-83r, 84r-v <**De regulis signaturae**> (Rubrica) Regule signature gratiarum. (Textus) Multa solebant aliquando per signaturam ... (Finis) in signatura iudicabit danda; cf. ZZ Hofmann, 238.
- fol. 85r-86v <**Epitome reformationis Martini V**> (Rubrica) *Epitome* xxx. capitulorum reformationis Martini V que sunt in libro uiridi serici cancelarie carta 189. (Textus) Contra cardinalem qui non honeste uixerit ... (Finis) ut recipere bene tractent nihil trutinant. (The original sequence of thirty items ends on fol. 86r; the same scribe added three more entries, filling the page. The last few 16 additions are in a different hand.)
- fol. 90v-95v, 97r-103v <**Commissio de reformatione Curiae**>, **Conclusa** (Rubrica) Redditus cardinalium sex milia. (Textus) Vt circa beneficiorum

- incompatibilium multiplicatas ... (Finis) turpitudinis sit particeps (una conuenio *marg.*) applicanda. (**Ed.** of fol. 94r: Tangl, *Päpstliche Kanzleiordnungen* 404 §§ 1-8, from this MS (siglum A). Cf. Vat. lat. 3884 fol. 73r-105v. **Bibl.** Celier 117-19; F. Petrucci, DBI 19,592.)
- fol. 104v-139v <**Commissio de reformatione Curiae**>, **Proponenda**
(Tabula contentorum) Prima bulla. Papa et palatium ... reformatur clerus romane (fol. 105r) (Textus) Cum uite et moris emendatio ... (Finis) penam excommunicationis late sententie imponentes. (**Ed.** of fol. 110r-125a^r: Tangl 405-06, 418-19, 410-16, 420, 417-18, 406-12, 420-21, using this MS. **Bibl.** Celier 117-18.)
- fol. 140r <**Nota historica**>
Innocentius iii factus pontifex. In primis super omnia exosam habuit ... (Finis) ut Marchiam ei restitueret.
- fol. 141v <**Notae variae**>
Cardinalis Nicolaus Cussa, deinde Sixtus bene monent ... (Finis) secundum totam scholam theologorum et canonistarum. (**Bibl.** Celier 114-15, nn., printing part of the text.)
- fol. 142r-156v <**Memorandum de reformatione curiae**>
(Rubrica) Reformatio Romane curie que est speculum uniuersalis ecclesiae. Papa. (Textus) Quoniam reformatis operariis uinee Dominice ... (Finis) aliquo gratis dispensandum duxerit. (**Bibl.** Celier 114-16, where the opening passage is printed; extracts printed in Hofmann II 238-240 from this MS.)
- fol. 157r **Canonicus S. Petri** <**incertus, Memorandum**> **pro reparatione basilicae S. Petri in Vaticano**
(Rubrica) Pro reparatione et manutentione Basilice principis Apostolorum de Urbe. In primis. (Textus) Illustris et deuotissima Comitissa Mathildis cum suo marito ... (Finis) in locis deputatis reperiebantur quam hodierna die in anno comperiri possunt (**Ed.** Celier 111-12, from this MS.)
- fol. 158r-162v **Collegium cardinalium, Capitulationes conclavis Innocentii VIII**
(Rubrica) Capitula conclauis Innocentii viii. (Praefatio) Nos omnes et singuli S.R.E. cardinales infrascripti pro bono et foelici regimine ... (Textus) In primis iurabit et promittet, quod aduenienti casu necessitatis subueniendi fidelibus ... (Finis) nec absolutionem alicui committam. Ita me Deus adiuuet et hec sancta Dei euangelia (**Ed.** J. Burchard, *Diarium sive rerum urbanarum commentarii*, ed. L. Thuasne, 3 vols. (Paris 1883-85) II 47-54; Baronius, *Annales ecclesiastici* anno 1484 §§ 30- 41;(ed. Theiner 30.67-70), gives a slightly altered version. **Bibl.** W. Ullmann, 'The legality of the papal electoral pacts', *Ephemerides iuris canonici* 12 (1956) 3-35; Celier 96.)
- fol. 167r-v, 171r-v <**Memorandum datum papae in Sancto Petro**>
(Inscriptio) Sanctissime Pater. (Textus) Benedictus sit Deus quod sanctitatis uestre applicuit animum ad reformationem ... (Finis) et rationibus bene fundabo. (Notationes) Neapolitanus contra ... omnes conueniunt quo ad futurum. (**Ed.** and **Bibl.** Celier 105-08, from this MS.)
- fol. 168r-v, 170r-v **Sixtus IV, Const. Supernae dispositionis** (20 feb. 1480)
(Inscriptio) Sixtus episcopus ... ad perpetuam rei memoriam. (Textus) Superne dispositionis arbitrio ... (Finis) instituta possunt in reprehensibiles in ///. Nulli ergo

- ... Si quis ... Datum Rome ... 1480 undecimo kal. martii pontificatus nostri anno decimo. (**Bibl.** Celier 95, extract ZZ Hofmann II 2. These two folios are a single sheet, written in two columns; the text begins in the lower left corner of fol. 168v and ends at the end of the upper column of fol. 170v. There are numerous marginal annotations.)
- fol. 169r-169a^v, 169d^r **Franciscus Todeschini-Piccolomini, cardinalis Senensis** (postea Pius III), <**Memorandum**>
(Rubrica) De pontifice. In primis catholicam fidem omnibus uiribus defendet ... (Finis) additis nouis et necessariis prouisionibus. (**Ed.** Celier 100-03, from this MS. A note in the upper right corner reads 'a cardinale Senensi'.)
- fol. 169b^v-169c^r <**Georges Costa, cardinalis Ulixbonensis, Nota**>
Principes seculares usurpant sibi omnem iurisdictionem ... (Finis) quia clerus propterea ualde opprimitur. (**Ed.** Celier 103-04, from this MS. This is a small single sheet, bound down the center into the quire.)
- fol. 172r, 173r-v <**Memoranda varia**>
(**Textus**) Placet addito quod lapsu biennium ... (Finis) obtenda cum suis qualitatibus.

Cat. Kristeller II 323. **Bibl.** Tangl, *Päpstliche Kanzleiordnungen* at lxxii-lxxiii; Celier, 'Alexandre VI et la réforme' examining the manuscript in detail; ZZ Hofmann esp. II 230-240; B. Schwarz, *Die Organisation kurialer Schreiberkollegien von ihrer Entstehung bis zur Mitte des 15. Jahrhunderts* (Tübingen 1972) 70 n. 261.)

The MS is a composite, made up of documents submitted by various departments of the Curia to the cardinals of the reform commission appointed by Alexander VI in 1496, and working drafts of the commission's own proposals and observations. The texts are written in dark brown ink, in many different humanistic cursive hands. Several texts were corrected by the scribes who wrote them. Rubrics are red on fol. 14-24 (where they are written in the margins), and 90v-102r; in the rest of the MS they are in ink, as are the capitals, except for the opening letter on fol. 1r. On fol. 45v, there is the beginning of another document, the inscription of which is 'Dilectis filiis minoribus penitentiariis Basilice principis apostolorum de urbe ...'; this may be the beginning of 'Cum in principio', cf. Göller, *Päpstliche Pönitentie* II.2 pp. 88-90. There are marginal notes in several hands, and some headings and rubrics were later additions. On <II>r is the note 'Additio in generalibus in alio quinterno de uita et honestate clericorum ut per Sixtum infra 18. et s.'; cf. the note on fol. 168v: 'Omnia sunt in alia generali bulla quam dedit Senensis, et hoc mandauit Neapolitanus'. Some notations are cross references to guide the reader (e.g. fol. 43v and 102v, where the reference 'in quinterno fol. 21' may refer to fol. 122 here). On fol. 104ff many items are marked 'in conclusa', referring back to the text on fol. 90v-103v. The notes on fol. 13v and 125a^v are illegible. Some of the texts in the latter part of the MS (fol. 90-155) are very heavily emended and annotated, reflecting the deliberations of the reform commission. Fol. 169b^v-169c^r, is an autograph of Georges Costa, cardinal bishop of Albano ('Ulixbonensis'); fol. 169r-169a^v, 169d^r may be in the hand of Francesco Todeschini-Piccolomini, cardinalis deacon of S. Eustachius ('Senensis'). A note at the foot of fol. 104v reads: 'cardinal Ulixbonensis hec notauit', and an addition to fol. 167v records the reactions of members of the commission to the contents of the document. Some of the texts in the latter part of the MS (fol. 90-155) are very heavily emended and annotated, reflecting the deliberations of the reform commission. Fol. 169b^v-169c^r is an autograph of Georges Costa, cardinal bishop of Albano ('Ulixbonensis'); fol. 169r-169^v, 169d^r may be in the hand of Francesco Todeschini-Piccolomini, cardinal deacon of S. Eustachius ('Senensis'). A note at the foot of fol. 104v reads: 'cardinal Ulixbonensis hec notauit', and an addition to fol. 167v records the reactions of members of the commission to the contents of the document. Some of the annotations in the MS may also have been written by senior members of the commission. Because of the nature of the MS, the quire structure is irregular. (Fol. 167-171 are separate documents which were laid one on top of the other and sewed into a quire, so portions of text occur in the wrong order.) The writing on fol. 37r is upside

down; fol. 149 precedes fol. 148. Old foliation systems appear in two sections: fol. 106-125a have the old numbers 5-15, fol. 141-155 bear the numbers 1-15. On the verso of a modern front flyleaf is a signed note in the hand of Isidoro Carini, library *custos* 19th century: 'Si averte che il presente manoscritto è da darsi in istudio con molta cautela'. Another note on fol. 56v, in the hand of Franz Ehrle, indicates that fol. 57-58 are lacking. The letters 'A' and '[A] R' on <I>r may be old shelf marks. <I>r is a title page. For the watermarks, cf. Briquet nos. 1388 and 12149. The MS has a 19th-century leather und parchment binding incorporating the 17th-century one. Folios used as dividers, usually blank except for an identifying note or some stray annotations, are: <II>r, fol. 26, 36, 48, 52, 76 (which was part of the original wrapping in which some of the documents were sent), 90r, 104r, and 157a-d (pages of coarse blue paper, some bearing notes on unrelated subjects). Fol. 11v-13r, 35r-v, 37v, 41v, 46v-47r, 51r-v, 65v, 75r-v, 77r-v, 78v-79v, 83v, 87r-89r, 96r-v, 107v-108v, 126r-127v, 140v-141r, 149v, 156r-v, 157v, 163r-166v, 167v, 169b^f, 169c^v, 169d^v, 172v, and 174r-v are blank.

Vat. lat. 3884	saec. XVI.1 (1511-13?)
-----------------------	-------------------------------

132 fols. - 18 chart. 294 (223) x 219 (131) mm, origin Italy. Quaterniones, saec. XVI.1 (1511-13?).

fol. 1r-14v <**Propositiones reformationis in concilio Constantiensi**>, imperfectae
 /// assistant non de una tantum mundi regione ... (Finis) et personis beneficiatis
 detur occasio uagandi et male faciendi. (Ed. Partially edited in Finke, *Acta
 Concilii Constanciensis* II 549-65, 622-72. **Bibl.** J. Sawicki and P. Stump, 'New
 evidence for the reform committee of the Council of Constance', *BMCL* 8 (1978)
 50-55.)

fol. 15r-24r <Incertus auctor, **Instructiones datae legato Romae pro reformatione in
 concilio Basiliensi**>

(Rubrica) Instructiones date Rome pro reformatione in concilio Basiliensi.
 (Praefatio) Aduisamenta alias facta per dominos commissarios cum aliquibus
 additionibus factis ... (Rubrica textus) De his que pertinent immediate ad s. d. n.
 (Textus) Quod sue intentionis est circa prouisiones ecclesiarum cathedralium ...
 (Finis) et laici uidentes clericorum honestatem eos ut patres uerebuntur. Deo
 gratias. (Ed. Partially edited from this MS in Tangl, *Päpstliche Kanzleiordnungen*
 363-65; and more completely in J. Haller, *Concilium Basiliense* (Basel 1896;
 anast. repr. 1971) 164-83, using this MS (siglum V). **Bibl.** R. Haubst, 'Der
 Reformentwurf Pius' des Zweiten', *Römische Quartalschrift* 49 (1954) 188-242 at
 194 [not seen].)

fol. 24v-26v <**Martinus V, Concordata cum natione Germanica in concilio
 Constantiensi**, excerptum>

(Inscriptio) Vniuersis et singulis Ioannes miseratione diuina episcopus Hostiensis
 ... (Praefatio) Cum itaque nuper inter sanctissimum in Christo patrem et
 dominum nostrum d. Martinum ... et ... uenerabilem nationem Germanicam ...
 (fol. 25r) (Rubrica textus) De numero et qualitate cardinalium (et eorum
 creatione *add. ed.*). (Textus) Statuimus ut deinceps numerus cardinalium sancte
 Romane ecclesie (*om. cod.*) adeo sit moderatus ... (Finis) quam superius de
 ecclesiis cathedralibus est expressum. (Ed. A. Mercati, *Raccolta di concordati*
 (Roma 1919) 158.)

fol. 27r-49v <Incertus auctor, **Reformationes curiae tempore concilii Basiliensis**>

(Rubrica) Infrascripta uel aliqua pars eorum prout melius iudicabitur a
 sanctissimo domino nostro et sacro collegio uidentur annectenda (anextenda)

cod.) esse pro reformatione curie. De hiis que pertinent immediate ad s. d. n. (Textus) Quod intentionis sanctissimi domini nostri est circa prouisiones ecclesiarum cathedralium ... (Finis) alias disponunt iuribus canonumque statutis in suo robore permansuris. (**Ed.** Partially edited from this MS in Tangl, *Päpstliche Kanzleiordnungen* 366-71; this is MS V1 in Haller, loc. cit., who describes it as a version of fol. 15r-24r above; **Bibl.** C. Lefebvre, 'Le tribunal de la Rote Romaine et sa procédure au temps de Pio II', *Enea Silvio Piccolomini, Papa Pio II* ed. D. Maffei (Siena 1968) 199-211 at 206 n. 40, 209 n. 59; U. Montag, 'Ein Brigittinischer Reformentwurf für Papst und Kurie', *AHP* 11 (1973) 113-47 at 127 n. 42, dating this piece c. 1473-74.)

fol. 50r-52v **Catalogus pontificum** (Petrus-Julius II)

fol. 53r-72r <**Constitutiones sive Extravagantes**>, nominantur: **Johannes XXIII**, Const. *Rationi congrua* (fol. 63r-v); **Martinus V**, Const. *In apostolicae dignitatis* (**Ed.** *Bullarium Romanum* IV 680-89; Tangl, *Päpstliche Kanzleiordnungen* 133-45) (fol. 53r-60r); *Quoniam novissima* (fol. 60r-61v); *Quod antidota* (**Ed.** *Bullarium Romanum* IV 677-78) (fol. 61v-62r); *Damnabile* (fol. 62r-63r); *Romani pontificis*, excerptum cancellatum (fol. 64r); *Romani pontificis* (**Ed.** *Bullarium Romanum* IV 708-14; Tangl 146-60) (fol. 64v-72r).

fol. 64r <**Concilium Pisanum (1409)**, excerptum>

(Rubrica) Constitutio Pisana pro possessoribus. (Textus) Item ut in unione pape iam in Dei ecclesia ... (Finis) beneficia predicta sedi apostolice fuerint reseruata.

fol. 73r-109v **Alexander VI, Reformationes curiae**

(Rubrica) Constitutionum reformationis Romanae curie ab Alexandro VI^o pontifice maximo prohemium. (Praefatio) In apostolice sedis specula diuina dispositione locati ... (fol. 73v) (Rubrica textus) Sixti prohemium ad pontifices (*sic*) cappella. (Textus) Primo igitur ut a capite edatur ratio ... (Finis) que etiam in officio gesserit nullius sint roboris uel momenti etc. (This collection, which includes documents of Eugenius IV, Paul II, and Sixtus IV, is partly edited in Tangl, *Päpstliche Kanzleiordnungen* 402-15, 422-23, 415-21; W. v. Hofmann, *Forschungen zur Geschichte der kurialen Behörden vom Schisma bis zur Reformation*, 2 vols. in 1 (Rom 1914; anast. repr. 1971) II 237-38; L. Pastor, *Geschichte der Päpste*, III.2 (Freiburg i.B. 1924) pp. 1068-70 prints the preface and a list of rubrics. **Bibl.** Celier, 'Alexandre VI et la réforme' 119-20. Cf. Vat. lat. 3883 fol. 90v-95v, 97r-103v.)

fol. 110r-114v <**Oliverius Caraffa, Reformationes curiae**>

(Rubrica) Fuerunt ista composita a bone memorie reuerendissimo domino cardinali Neapolitano pro reformatione stat/// pontificis Alexandri VI et eius palatii et curie conclusa. (Textus) In primis quod cum omni humilitate et reuerentia dixerim ... (Finis) et sue salutis immemores placuit etc. (**Bibl.** R. de Maio, *Savonarola e la curia Romana* (Roma 1969) 138 n. 24; Celier, 'Alexandre VI et la réforme' 97-99 quotes briefly from the text; Extracts ZZ Hofmann II 238 ; F. Petrucci, *DBI* 19. 588-96, discussing the text at p. 592.)

fol. 118r-132v <**Sixtus IV, Reformationes curiae**> (See Vat. lat. 3883 fol. 14r-25v for further information.) *Variants*:

(Inscriptio) etc. *add.post* Sixtus ... (Finis) ut pena ipsorum sit metus aliorum. (The last paragraph here follows no. 38 of Vat. lat. 3883 at fol. 24v. **Bibl.** Hofmann,

op. cit. II 230-31.)

Bibl. Tangl, *Päpstliche Kanzleiordnungen* lxxiii; B. Schwarz, *Die Organisation kurialer Schreiberkollegien von ihrer Entstehung bis zur Mitte des 15. Jahrhunderts* (Tübingen 1972) 264; Celier, 'Alexandre VI et la réforme' 65-124 at 88 n. 1.

This MS falls into two sections: fol. 1r-114v in a cursive hand in dark brown ink, fol. 1 being the old fol. 4 of a foliation system which ends on fol. 73 (*antea* 76); fol. 118r-132v in a humanistic cursive in dark brown ink. Initials are sometimes decorated in ink, the rubrics are in the ink of the text. The quire structure is very irregular, varying from binions to senions, with a plurality of quaternions. For the watermarks, cf. Briquet nos. 6443 and 7854. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one. Fol. 72v, 116r-117v (misplaced after fol. 109v), and 115r-v are blank.

Vat. lat. 3891	saec. XV
-----------------------	-----------------

103 fols. + 68a chart. et memb. 290 (182) x 211 (111) mm. Bifolia, saec. XV.

fol. 1r-98r <**Egidius Bellamera**>, **Consilia** (nos. 115, 123, 116, 117)

(Rubrica) Consilium centesimum quintum super quodam negotio per reuerendissimum patrem dominum Franciscum Narbonensem archiepiscopum et sedis Apostolice Camerarium nouiter michi dato, factum est tale. (Textus) Anno Domini millesimo trescentesimo nonagesimo septimo die nona ianuarii super certis controuersiis et demandis fuit factus tractatus ... (Consilium ultimum) (fol. 87r) Factum tale est: Archiepiscopus Bituricensis pretendit se habere ius primatie seu patriarchale in ecclesia, ciuitate, diocesi et provincia Narbonensi ... (Finis) tamen ipse non potest facere ea que in regula sed solum ea que in excepcione habentur etc. (**Ed.** and **Bibl.** See Vat. lat. 2344-46. H. Gilles, 'La vie et les oeuvres de Gilles Bellemère', *Bibliothèque de l'Ecole des Chartes* 124 (1966) 30-136, 382-431 at 67 n. 1.)

fol. 98v-101r <Incertus auctor>, **Consilium**

(Invocatio) Ihesus Maria. (Rubrica) Pro communitate Iudeorum Auinion ZZ contra olim Baylonos et administratores ipsius. (Inscriptio) Reuerendissime pater et domine metuendissime. (Textus) Quod Bayloni Carriere seu communitatis Iudeorum de quorum rationibus coram e. paternitati agitur fuerint in dolo ... (Finis) uidet expediens iustum et utile. ff. de hiis que in testa. delen. l. Proxime in fi. (Dig. 28.4.3) et ibi notatur. (Colophon) Que submicto correccioni et emendacioni uestre reuerende paternitatis et eius uenerabilis consilii et laciore deliberationi quia sum sine libris maxime propriis etc.

fol. 102r-103r **Clerus Carcassone, Petitio ad Carolum VII regem Franciae**

(Praefatio) Status cleri de mandato domini nostri regis in burgo Carcassone cum aliis duobus ... (Rubrica) Sequuntur dicte retenciones et qualitates. (Textus) Primo quod dictum donum soluetur in moneta alba uel nigra ... (Finis) quartus remanebit sub dispositione diocesanorum et sui cleri, et ita est concessum me presente. (Datum) Acta Carcassone anno Domini millesimo ^ciiii^c xxiii. die vi. maii. Fauerot.

Bibl. The first of Egidius's consilia is numbered '105' and is the same as '115' in Vat. lat. 2346 fol. 299rb-302vb. The second consilium, unnumbered in this MS, is no. 123 in Vat.

lat. 2346 fol. 369vb-391rb.

The MS was written in black ink in three different cursive hands (fol. 1-98r; 98v-101r; 102r- 103r). There are occasional marginalia; e.g., at fol. 98r, a note referring to cons. 117. In the petition at fol. 102r-103r the scribe wrote 'Fauerot' next to most of the articles. Capitals are missing in cons. 123, fol. 11r-55r. Each gathering, apart from an initial quinion, comprises 8 bifolios, of which the outer and inner bifolios are parchment and the others paper. This is the usual counting of the folios making up a quire (here fol. 11-18=aI-aVIII). Catchwords are centered. From fol. 11 onwards the sheets were prepared with compass pricks. For the watermarks, cf. Briquet nos. 15807 and 13262. The MS has an 18th-century parchment binding. Fol. 86v is blank except for the note 'Consilium centisimum decimum in causa Narbonensi'; fol. 8r-10v, 101v, and 103v are blank.

Vat. lat. 3934	saec. XV
-----------------------	-----------------

antea E.N.11.

<I> +181 fols. chart. 304 (157) x 209 (112) mm, saec. XV.

fol. 1r-v <Incertus auctor, **Consilium de antipapa Petro de Luna**>

(Rubrica) Ita respondi domino cardinali sancti Marcelli 1428 Rome 20 augusti. Istud est consilium an si papa Petrus de Luna ... (Invocatio) In nomine indiuidue Trinitatis. Amen. (Textus) Quorundam curiositas potius ad sue ostentacionem quam utilitatem ... (Finis) edificat ad Gehennam de simo. Per tuas (X 5.3.35).

fol. 2r **Concilium Constantiense, c. Frequens**

(Rubrica) Constitutio Constanciensis concilii. (Textus) Frequens generalium conciliorum celebracio agri Dominici precipua cultura est ... (Finis) ut ad ipsum concilium celebrandum predicti possint statuto termino conuenire. (Ed. P. Prodi in *Conc. oecum. decreta*, pp. 438-39)

fol. 2r-3r, 9r-10r, 11r-v, 41r-46v, 48r-53r <**Concilium Basiliense, Acta et documenta, excerpta**>

(Textus) Sicut unica est ecclesia sancta catholica ... (fol. 48v) (Excerptum ultimum) (Rubrica) Supradicte cedula sacrum Basiliense concilium in modum qui sequitur respondet. (Textus) Cuperet hec sancta synodus uobis dilectis ecclesie ... (fol. 53r) (Finis) uobiscum omnem honestam et rationabilem uiam concordie. (This group of excerpts contains: *Sicut unica* (*Conc. oecum. decreta*, ed. J. Alberigo, pp. 464-65) (fol. 2r-v); <**Adnotationes de sessionibus XI, XIX, XXV et XXVI**> (fol. 2v-3r); <**Petitio principum ad concilium Basiliense**> (fol. 9r-10r); c. *Prospexit Dominus* (Mansi 29.179-81) (fol. 11r-v); *Sessio I* (*Conc. oecum. decreta*, ed. J. Alberigo, pp. 455; Mansi 29.5 no. 2-12 no. 9, 13 no. 11-21 no. 21) (fol. 41r-46v); <**Nicolaus de Albergatis et Johannes Cervantes, Proposita ad concilium Basiliense**> (Mansi 29.282-88) (fol. 48v-53r).)

fol. 5r-7r <Incertus auctor, **Consilium de petitione regis Aragonum**>

(Rubrica *margin.*) Casus. (Textus) Inclitus Aragonum rex Alfonsus petit a domino nostro papa ... (Finis) secundum Deum iura et bonam conscientiam petitionem domini regis insuper exaudire. (Ed. Finke, *Acta Concilii Constantiensis* IV 220-28, from this MS.)

fol. 12r <Incertus auctor, **Conclusiones Basilienses cum refutationibus**>

(Rubrica) Conclusio Basiliensis. (Textus) Veritas de potestate concilii generalis supra papam ... (Rubrica refutationis) In oppositum. (Refutatio) Hec assertio

concilium generale est supra papam simpliciter prolata ... (Finis) tenetur obuiare et repugnare.

fol. 14r-33v <**Carolus VII rex Franciae, Sanctio pragmatica Bituricensis**> (1438)

(Inscriptio) Karolus Dei gracia Francorum rex (Francorum rex *rep. cod.*) ...

(Praefatio) Inscrutabilis diuine prouidencia altitudinis per quam reges regnant ...

(Textus) Frequens generalium conciliorum celebratio agri precipua cultura est ...

(fol. 32v) (Finis) et super hoc conficere pragmaticam sanctionem. (Epilogus) Ea propter nobis humiliter supplicarunt memorati archiepiscopi ... (fol. 33v) sigillum nostrum presentibus litteris iussimus (duximus *ed.*) apponendum. Datum Biturii

septima die mensis iulii anno Domini Millesimo cccc^o tricesimo octauo et regni nostri decimo sexto. (Per regem in suo magno consilio ... et seculares

quamplurimi erant. *add. ed.*). (**Ed.** *Sanctio pragmatica cum glossis d. Cosmas*

Guismier ... (Parisiis 1613). **Bibl.** N. Valois, *Histoire de la Pragmatique Sanction*

de Bourges sous Charles VII (Paris 1906).)

fol. 37r-38r, 56r-59v, 60r-67v, 69v-71r **Eugenius IV, Epistolae**

(Epistola prima) (Rubrica) Bulla dissolutionis concilii Basiliensis. (Inscriptio)

Eugenius etc. ad futuram rei memoriam ... (Textus) Quoniam alto et unico

prehensibili Domino reddere constituimus ... (fol. 71r) (Epistola ultima) (Rubrica)

Bulla quod non expiret potestas presidenti etc. per aduentum legatorum etc.

(Inscriptio) Eugenius episcopus seruus seruorum Dei ... (Textus) Cum alias pro

presidentibus in concilio Basiliensi ... (Finis) proponatur tractetur concludatur

ordinetur et fiat. Datum Rome apud sanctum Petrum anno Dominice incarnationis millesimo quadringentesimo tricesimo tercio septimo idus maii pontificatus nostri

anno tercio. (Subscriptiones) Ia. de Langusco. L. de Venetiis. (The following

letters appear: *Quoniam alto* (Mansi 29.564-67) (fol. 37r-38r); *Ad sacram Petri*

sedem (Mansi 29.569-71) (fol. 56r-v); *Postea quam statuimus* (Mansi 30.541-43)

(fol. 57r); *Postea quam statuimus (rep.)* (fol. 58r-v), *Inscrutabilis diuinae*

prouidentiae (Mansi 29.79- 81) (fol. 59r); *In arcano nostrae mentis* (Mansi 29.81-

82) (fol. 59v), *Postea quam statuimus (rep.)* (fol. 60r); *Ad sacram Petri sedem*

(rep.) (fol. 61r-62r); *Inter omnes curas* (Mansi 30.508-09) (fol. 65r-v), *Nulla*

maior cura (fol. 65v-66v); *Romani pontificis circumspectioni* (Mansi 30.512) (fol.

66v-67r); *Cum vos ad congregationem* (fol. 67r-v); *Sedis apostolice circumspecta*

(Mansi 30.510-11) (fol. 67v); *Postea quam statuimus (rep.)* (fol. 69v); *Cum ex*

certis (Mansi 30.540-41) (fol. 69v-70r). *Alta nos cura* (Mansi 29.575) (fol. 70r-v);

Dudum ex certis (Mansi 30.540-41); *Cum alias* (fol. 71r).)

fol. 38v-41r <Incertus auctor>, **Responsio ad rationes bullae dissolventis concilium**

(Rubrica) Sequitur responsio ad rationes bulle dissolventis concilium etc. (Textus)

Dicitur quod in partibus Basilee propinquis aliqui oppidani heresim Husitarum

insequentes ... (Finis) absit quod hec infamia sanctitatis sue futuris seculis et

posteris relinquatur.

fol. 54r-v <**Ludovicus XI rex Franciae, Littera ad principes electores et eorum responsa**> (1470)

(Textus) Quoniam plura uident oculi quam oculus et ut inquit sapiens ubi multa

consilia ibi salus christianissimus Francorum rex ... (fol. 54v) (Responsum

primum) (Rubrica) Responsa in dieta prima Bacheracensi data oratoribus regis

Francorum per oratores archiepiscopi Maguntini. (Textus) Cum regis

- christianissimi ac serenissimi oratores ... (Responsum secundum) (Rubrica)
 Responsum quatuor electorum transmissum regi Francorum. (Inscriptio)
 Serenissime princeps rex christianissime domine et amice carissime. (Textus)
 Quemadmodum pridem uestra serenitas seruos ad nos transmisit ... (Finis) id
 deferre ad aures sue maiestatis prout celerius intendimus. Datum. (The date 1470
 at the conclusion of the first response suggests that these documents pertain to
 Louis's XI conciliar agitation in 1469-1470; H. Jedin, *A History of the Council of
 Trent*, tr. E. Graf, 2 vols. (London 1957) I 56.)
- fol. 59v <Incertus auctor, **Rationes contra decreta Basiliensis concilii**>
 (Rubrica) Causa quare pretensa decreta nuper in Basilia edita sunt nulla ...
 (Textus) Primo quia Basilię congregati auctoritate apostolica ... (Finis) est
obiendum prout iura et doctorales auctoritates cantant.
- fol. 69r, 71r-v, 73r-v <**Epistolae concilio Basiliensi spectantes**>, nominantur: Franciscus
 Condulmarus (**Ed.** *Concilium Basiliense*, ed. J. Haller, 8 vols. (Basel 1896-1936;
 anast. repr. 1971) I 311-12 no. 26, 314-15 no. 28, 313 no. 27, from this MS) (fol.
 69r, 71r-v); Sigismundus imperator (**Ed.** *Deutsche Reichstagsakten unter Kaiser
 Sigismund*, ed. H. Herre, IV (Deutsche Reichstagsakten 10; Gotha 1906) 696,
 using this MS: siglum V) (fol. 69r); Christophorus de S. Marcello (fol. 71v);
 Incertus auctor (**Ed.** *Concilium Basiliense*, ed. Haller 251-53 no. 16, from this
 MS.) (fol. 73r-v).
- fol. 72r <Incertus auctor, **Creatio cardinalium**> (1426)
 (Rubrica) Copia cedula. (Textus) Anno Domini millesimo quadringentessimo
 uigesimo sexto ... presentibus omnibus cardinalibus qui erant in curia ... (Finis)
 sicut superius est expressum. <Subscriptiones cardinalium> (**Ed.** *Monumenta
 conciliorum generalium seculi decimi quinti. Concilium Basiliense, Scriptorum
 tomus primus* ed. Caesareae Academiae Scientiarum socii delegati, 4 vols. in 8
 (Vindiboniae 1857-1935) II.1, p. 255.)
- fol. 77r-80v <**Petrus Corsinus, Simon de Borsano et Jacobus de Ursinis, Casus trium
 cardinalium italicorum super facto schismatis**>
 (Rubrica) Casus trium cardinalium Italicorum datus Nicie per duos ex eis quatuor
 cardinales infrascriptos in fine. (Textus) Cum (Dum cod.) sancte memorie
 dominus Gregorius papa XI die xxvii marci obiisset in Roma ... (Finis) et tunc
 uenit ad ciuitatem Tiburtinam populo Romano subiectam. (Attestatio) Anno
 Domini M^o ccc^o lxxx^{mo} die [vii] xvii nouembris in ciuitate Nicie ... ipsum
 quaternum <...> recipientibus. <Subscriptiones> (**Ed.** L. Gayet, *Le Grand
 Schisme d'Occident*, 2 vols. (Florence 1889) II, Pièces justificatives 1-20, 21.)
- fol. 82r-86v <**Petrus Bertrandi, Consilium de schismate**>
 (Rubrica) Hec sunt puncta formata per dominum nostrum papam. l. (Casus)
 Vtrum in presentis schismatis diuisione aliqui uere scismatici ab ecclesia
 censeantur ... (Textus) Ad primum dico quod ad esse scismatici requiritur ... (fol.
 86r) (Finis) ut foris fieret necesse fuit vii q. i factus (C.7 q.1 c.5). (Subscriptio)
 Predicta omnia subicio determinacioni domini nostri pape et ecclesie sacrosancte.
 (fol. 86v) (Colophon) Magistri Petri Bertrandi.
- fol. 87r-88r <Incertus auctor, **Nota de responso regis Franciae de concilio generali**>
 Au demeurant quant au frait du concille universel ... (Finis) que lon ne pouroit
esperet sinon bone et perfait yssue. (On fol. 88v is written: 'Risposta dal

- christianissimo al /// circa il concilio.’)
- fol. 90r-96r <Incertus auctor, **Allegationes pro papa et contra rebellantes per quemdam venerabilem doctorem**> (probably Petrus de Luna)
(Praefatio) Quia ut audio per quosdam rebellionis scimatice defensores contra papam obiciuntur ... (Textus) Verum antequam ad execucionem predictorum accedam ... (Finis) de quibus agitur crimen periurii incurrerunt. (Ed. Partially edited by F. Ehrle, ‘Die kirchenrechtlichen Schriften Peters von Luna (Benedikts XIII.)’, *Archiv für Literatur- und Kirchengeschichte des Mittelalters* 7 (1900; anast. repr. 1956) 515-75 at 554-71.)
- fol. 99r-130v <**Depositiones testium electionis Urbani VI**>, nominantur: Egidius Sancti Munionis (fol. 99r-101v); Guillelmus Morerii (fol. 102r-108v); Luppus Enect de Uxue (fol. 109r-111r); Catherina de Suecia (fol. 115r-116v); Thomas de Acerno (fol. 116v-120r); Bartholomaeus de Bononia (fol. 120v-122r) cum subscriptionibus notariorum (fol. 122v); Adam de Estone (fol. 125r-126r); Franciscus de Theobaldeschis (fol. 126r-127r) cum subscriptionibus notariorum (fol. 127r-128r); Alphonsus Pecha (fol. 129r-130r) cum subscriptione notarii (fol. 130r); Adam de Estone (fol. 130v).
(Ed. M. Seidlmayer, *Die Anfänge des grossen abendländischen Schismas* (Spanische Forschungen der Görresgesellschaft ser. 2,5; Münster i. W. 1940) 325-26 [Egidius Munionis]; Gayet, op. cit. I, Pièces justificatives 114-18 [Bartholomaeus de Bononia]. **Bibl.** Seidlmayer, op. cit. 210-11, 208-10.)
- fol. 131r-133v <**Advisamenta ambassatorum regis Romanorum in dieta Francofordiae**> (1446)
ZZ(Rubrica) Auisa super petendis (a *om. cod.*) s. d. nostro. (Textus) Primo quod sanctissimus dominus noster in uno ex quinque locis sue sanctitati nominatis ... (Finis) sed cum honestis (*ed.* 393) et aptis uerbis materiam. Quod quoque supradictum (dictum *ed.*) est de ecclesia Frisingensi, similiter in controuersia Osiliensis ecclesie obseruetur (*ed.* 391). Datum Frankfordie die quinta octobris anno Domini Millesimo quadringentesimo quadragesimo sexto. (Colophon)
Auscultata est hec presens copia ab originali per me Iacobum Widerl registratorem litterarum imperialium que concordat omnino cum originali. (Ed. W. Rossmann, *Betrachtungen über das Zeitalter der Reformation* (Jena 1858) 389-93. The last line of this text appears in the midst of the version in the edition. The edition lacks the colophon.)
- fol. 135r-136 **Petitio Frederici III imperatoris ad Paulum pp II** (post 1469 jan. 18)
(Praefatio) Nuper in conuentu Norembergensi ut christifideles perfidis Turchis et hereticis commodius resistere possent ... (Textus) Petitur itaque ut sanctissimus dominus noster in hiis prouidere ... (Finis) et calamitate bellorum quibus ille terre uastantur. (Ed. I. Most-Kolbe, in: *Dt.RTA XXII,1* (Göttingen 1973) p. 53-55 n. 17)
- fol. 137r-143r **Thomas de Corcellis, Propositio in dieta Norimbergensi** (1438), imperfecta
(Rubrica) Propositio magistri (*ed.*) T(homas *sup. lin.*) Corserii ad dominos congregatos in dieta Nurembergensi pro parte illorum qui in Basilea sunt. (Textus) Explicaturi que nobis a sancta synodo iniuncta sunt ... (Finis) se determinauit alterum pretensum concilium contra uerum concilium erigere

- disponens /// (*ed.* 800 line 4) (After the end is the note: 'Hic deficit ultra unam cartam.' **Ed.** *Deutsche Reichstagsakten unter König Albrecht II*, ed. G. Beckmann I (Deutsche Reichstagsakten 13; Stuttgart - Gotha 1925) 785-807.)
- fol. 145r-152r <Incertus auctor, **Advisamenta de concordii Norimberga facta**>
 (Rubrica) Auisamenta super concordii estate preterita in Nuremberga factis.
 (Textus) Prima concordia facta est inter serenissimum dominum imperatorem et illustrem ducem Ludewicum ... (Finis) qui hominibus placet quantum Deus spreuit eos etc. (This work treats the obligations of Ludwig of Bavaria-Landshut under agreements made at Nuremberg in 1459; cf. *Defensorium obedientiae apostolicae et alia documenta*, ed. H. A. Oberman *et al.* (Cambridge, Mass. 1968) 16-25.)
- fol. 153r-163r <Incertus auctor>, **Capitula conventus Ratisponensi de vulgari in Latinum interpretata** (PROBABLY REICHSTAG VON REGENSBURG 1454; THE RTA SECTION (XIX.1) IS INCOMPLETE TO THIS DAY!)
 (Rubrica) Capitula huius magni Ratisponensis conuentus de uulgari in Latinum interpretata. (Praefatio) Notate ordinem quem sacra imperialis maiestatas ad laudem omnipotentis Dei ... (Textus) In primis quod imperiali celsitudini ab omnibus electoribus ... (fol. 162r) (Finis) ab omnibus commune presidium siue auxilium impartiat. (fol. 162v) (Epilogus) Reuerendissime pater ad intelligendum ea que uidentur ... (fol. 163r) per imperium [seruandum] per capita ut supra continentur. (This text mentions at fol. 158v Aeneas Sylvius Piccolomini as cardinal of Siena, placing this 'conventus' in 1456-58 cf. K. Eubel, *Hierarchia catholica medii [et recentioris] aevi* ... , 7 vols. (Monasterii, 1898-1968) II 12.) INADEQUATE; BETTER DROP IT!
- fol. 166r-170v **Concilium Magdeburgense**
 (Rubrica) De concubinariis. Acta concilii prouincialis Magdeburgensis.
 (Inscriptio) Nicolaus etc. reuerendissimo ZZ ac reuerendis in Christo patribus et dominis Frederico archiepiscopo ... (Textus) Quamuis sancti patres diligentissima cura conati sint ... (Finis) ut ad omnium noticiam deducatur faciat isque eam ab omnibus inuiolabiliter obseruari. Datum in Halberstat sub nostro sigillo die lune quinta iulii anno a natiuitate Domini millesimo quadringentesimo quinquagesimo primo pontificatus sanctissimi in Christo patris et domini nostri domini Nicolai diuina prouidencia pape quinti anno quinto. (**Bibl.** D. Sullivan, 'Nicholas of Cusa as Reformer: the Papal Legation to the Germanies, 1451-1452', *Medieval Studies* 36 (1974) 382-428 at 401-03; K. J. von Hefele - H. Leclercq, *Histoire de conciles...*, 2nd ed., 12 vols. (Paris 1916) VII.2 p. 1213. n. 2 wrongly citing this MS as Vat. lat. 3904.)
- fol. 171r-180v <**Concilium Saltzburgense**>
 (Rubrica) Statuta prouincialia reuerendissimi in Christo patris et domini Eberhardi archiepiscopi Salczburgii apostolice sedis legati edita sub anno Domini M^o cccc^o xvii^o mensis (*sic*) nouembris <in ci>uitate Salczburgensi. (Inscriptio) Eber<har>dus Dei et apostolice sedis <g>ratia archie<piscopu>s Salczburgensis ... (Praefatio) Deus o<mniu>m creatorum fabricator Post inf<inita> secula creaturas ... (fol. 171v) (Rubrica) De summa Trinitate et fide katholica ex concilio domini Eberhardi (supradicti add. cod.). (Textus) De summa Trinitate que <prop>ter sui exquisitissimam (equitissimm cod.) et probatissimam perfectionem

... (Finis) quibus hanc sanctionem faciant exactissime obseruari etc. Deo gratias.
(Amen *pro* etc. Deo gratias cod.) (Ed. Mansi 28.977-1006.)

Bibl. Finke, *Acta Concilii Constanciensis* IV xxi.

The MS is a composite collection of materials of diverse origin (largely Germanic) in a variety of cursive scripts in brown ink. The cancelled numeration 362-372 on fol. 153-163 suggests that part of this collection may be derived from a larger one. Several of the texts have been annotated. Rubrics and capitals at fol. 171r-174v are orange. Other rubrics thereafter have been underlined in orange, and some capitals have been decorated in orange. The old shelf mark 'E. N. 11' appears inside the front cover. <I>r has an incomplete index of the MS. For the watermarks, cf. Briquet nos. 3298, 5202, 11881, 6077, 6271, 11656, 6394, 3612, 13000, 2401. 8615, 793, 14802, 14857, and 14840. The MS has an old parchment binding. The following are blank except for notes on the contents: fol. 36r, 86v, 88v, 89r, and 165r. <I>v, fol. 3v-4v, 7v-8v, 10v, 12v-13v, 34r-35v, 36v, 47r-v, 53v, 55r-v. 60v, 62v-64v, 68r-v, 72v, 74r-76v, 81r-v, 89v, 96v-98v, 134r-v, 136v, 143v-144v, 152v, 163v-164v, 165v, and 181r-v are blank.

Vat. lat. 3937	saec. XIV.1
-----------------------	--------------------

V + 165 + X fols., memb., 332 (215) x 235 (147), saec. XIV.1.

**ZZ Registrum processuum haereticae pravitatis contra Matthaëum
Vicecomitem, ducem Mediolani, et filios eius**

Register of the heresy processes commissioned by John XXII and conducted by the archbishop of Milan, 1321 ss.

Bibl. F. Bock, QF 26 (1935/6) 21-142; L. Besozzi, *Archivio Storico Lombardo* 107 (1981) 235-45.

Fair copy, arranged in 2 books with ca. 50 + 100 documents.

(I THINK WE SHOULD HAVE THIS; SUMMARY TREATMENT IS POSSIBLE; I COULD DO, HOWEVER NEED SOME TIME!)

Vat. lat. 3940	saec. XV
-----------------------	-----------------

207 fols. + 19a + 169a + <IV> chart. (memb.: <+II>-<+IV> 302 (205) x 222 (148) mm, origin Germany. Seniones, saec. XV.

fol. 1r <**Tabula rubricarum**>

fol. 2r-207v <**Urbanus VI, Bonifacius IX, Innocentius VII, Gregorius XII, Alexander V**

et Johannes XXIII, Formularium diversarum bullarum>

(Rubrica) De diuersis formis [et exhib///]. (Inscriptio) Venerabili fratri episcopo Fulginatensi salutem etc. (Textus primus) Exhibita nobis (*super lin.*) nuper pro parte dilecti filii magistri Iacobi Ciccarelli de Fulgineo ... (Textus ultimus) Et nichilominus ut christifideles ipsi ad cappellam ipsam ... (Finis) per presentes indulgemus perpetuis temporibus durantis. Nulli ergo etc. Datum. (Colophon) Qui scripsit scripta sua dextra sit benedictum.

<+II>r-<+IV>r **Bonifacius <IX, Epistolae tres>**

(Rubrica) (Epistola prima) (Inscriptio) Bonifatius episcopus seruus seruorum Dei dilecto filio magistro Bartholomeo Francisci preposito ecclesie sancti Stephani Pratensis Pistoriensis diocesis notario nostro salutem et apostolicam benedictionem. (Textus) Sedis apostolice circumsperta benignitas iusta petencium ZZ congruo fauore prosequitur ... (<+IIv>) (Epistola secunda) (Inscriptio) Bonifatius episcopus seruus seruorum Dei dilecto filio archidiacono in Ragensen (?) in ecclesia Verdensi salutem et apostolicam benedictionem. (Textus) Dignum arbitramur et congruum ut illis se reddat ... (<+IV>r) (Epistola tertia) (Inscriptio) Bonifatius episcopus seruus seruorum Dei uenerabili fratri episcopo Ciuitatis Castelli salutem et apostolicam benedictionem. (Textus) Ex suscepto seruitutis officio /// ... (Finis) in eisdem spiritualibus et tempo ///

Bibl. *Repertorium Germanicum*, ed. G. Tellenbach (Berlin 1961) 2.1 p. 17; A. Esch, *Bonifaz IX und der Kirchenstaat* (Tübingen 1969) 57, 107.

The MS is in several cursive hands in brown ink, except that the documents at <+II>r-<+IV>r are in chancery cursive. Summaries and cross references have been added in the margins. Rubrics have red paragraph signs; capitals at fol. 2r-4r and at the heads of the later sections are red with red decoration. Blank spaces for capitals have been left at the heads of some letters. Gatherings are numbered in a modern hand at the bottom of their first folio. Fol. 19a is an insert. A letter in Italian was begun on fol. 59r. Notes on the feasts of St. John the Baptist and St. Michael appear on fol. 200r-v. An incipit was cancelled on fol. 203r. <+I>r-v is a coarse, gray sheet of paper covered with *probationes pennae*, including (on verso) the name Heinreke Hunt. <+IV> is a fragment glued to <+II-III>. For watermarks, cf. Briquet no. 11719. The MS has a 19th-century parchment binding. Fol. 1v, 19a^v, 59v-62v, 84r, 99v-103v, 114r-125v, 144v-147v, 153v-158v, 168r-169v, 190v-191v, 194v, 205v-206r, 207r and <+IV>v are blank.

Vat. lat. 3942	saec. XVI
-----------------------	------------------

180 fols. chart. 332 (251) x 233 (148) mm, origin Italy (Rome), saec. XVI.

fol. 1r-153v **Innocentius III, Registrum, <excerpta>**

(Inscriptio) Domino sancto meritoque beato, praedicatori ... (Textus) Cum aliqua tibi, beatissime Paule, uas electionis ... (fol. 153r) (Epistola ultima) (Salutatio) Multas inclinationes et multas sanitates a me, Basilio humili Bulgarorum ... (Textus) Notum sit ergo uestrae magnae sanctitati quoniam Leo cardinalis ... (Finis) enim Dominus (*cod.* Deus) sanctitatem uestram per multa et longeva tempora. (**Ed.** PL 214.972- 215.554, passim. The letters of this collection are drawn from the fifth, sixth, and seventh books of Innocent's register: book V nos. 20, 26-8, 38, 49-50, 68, 84-7, 89, 103, 106, 114, 121, 124-5, 134, 164; book VI nos. 29, 85-6, 88, 129, 140-1, 149, 155, 160, 163, 181-2, 194, 212, 230, 235; book VII nos. 18, 49, 52, 55, 79, 115, 126-9, 133, 149, 186, 206-7, 226, 229-31. The letters are not in numerical order; the first is book VI no. 88, the last, book VII no. 231.)

fol. 161r-171r **Innocentius VIII, <Confirmatio professionis religiosae dominae Joannae>**

(Rubrica *marg. al. man.*) Confirmatio cuiusdam sententiae latae inter Ferdinandum Aragonum et Castelle regem, et Ioannem Portugalliae regem. (Inscriptio) Innocentius episcopus, seruus seruorum Dei ad futuram rei

memoriam. (Textus) Debitum pastoralis officii sui meritis licet insufficientibus ... (fol. 165r) (Textus instrumentorum) In Dei nomine Amen. Manifestum sit omnibus praesentibus inspecturis, quod in monasterio sanctae Clarae ciuitatis Columbriae ... (Finis) mandati, concessionis, et uoluntatis infringere, etc. Si quis, etc. Datum Romae apud Sanctum Petrum, anno incarnationis dominicae millesimo quadringentesimo octauagesimo septimo decimo, Kal. Iulii, pontificatus nostri anno tertio. (Subscriptio) Al. Ioannes. (**Ed.** *Documentos referentes a las relaciones con Portugal durante el reinado de los reyes catolicos*, ed. A. de la Torre y L. Suarez Fernandez, 3 vols. (Valladolid 1960) II 335-39, 130-36 (the texts regarding the profession are printed in Spanish). **Bibl.** Q. Aldea, 'Juana de Castilla', *Diccionario de historia eclesiastica de España*, 4 vols. (Madrid 1972) II 1252-1253.)

fol. 173r-180v **Innocentius III, Registrum**, <excerpta>

(Rubrica) Incipit quintus liber registorum domini Innocentii pape III. Episcopo Pistoriensi. (Textus) De monialibus (*add. cod.*) nobis tua fraternitas requisiiuit ... (Epistola ultima) (fol. 180r) (Inscriptio) Rauennatensi archiepiscopo. (Textus) Cassa<ta> quondam tam postulatione tua quia fuerat ... (Finis) pontificalis officii mitteremus. Licet autem predecessores tui /// (**Ed.** PL 214.945-956, book V nos. 1-6, the last ending in mid-letter and mid-sentence.)

The MS is written in several Italic cursive hands, in brown ink. In the first section of Innocent III's letters, the scribes usually began a new sheet for each letter, and opening initials are sometimes decorated with pen flourishes. The *confirmatio* of Innocent VIII was copied by one of the scribes of the first section, the final cluster of Innocent III's letters is in a rougher, somewhat earlier hand, the letters copied one after another without intervening space and set off only by paragraph signs and the numbers in the margins. The first section is systematically annotated in two hands. The first, a neat, minute script (perhaps that of Pedro Chacón of the *Correctores Romani*?) is seen in the identification 'ex libro quinto registorum domini Innocentii iii ex bibliotheca Vaticana' in the upper left corner, the folio number in the left margin of each new letter, and in occasional notes. The second annotator, from the 17th-century, writing a larger, rather sprawling hand, usually noted the book and number identification of each letter in the right margin, occasionally referring instead to the edition of Rinaldi and to the *Gesta Innocentii*, and sometimes added notes on the correspondence of the text to Rinaldi's edition. On fol. 1r, his cross-reference is to the *Bullarium Cassinense* (ed. Margarinus, 1650). Annotations cease after fol. 161r, where the first annotator wrote a cross-reference to Innocent VIII's register (fol. 570) and apparently copied a note (rather misleading, out of context) on the *confirmatio*. Catchwords occasionally appear at the lower right; quires are numbered in pencil in the lower left corner of the first recto. For the watermarks, cf. Briquet 4835 and 6097; another, a coat of arms with a stag, has not been traced. The MS is in a mid-19th-century leather and cloth binding. Fol. 9r-10v, 12v, 15v-21v, 26v, 30v-32v, 35v-36v, 39v-40v, 43v-44v, 50v-54v, 57v-59v, 61r-v, 66v-67v, 72v-74v, 86v, 93v, 95r-96v, 103r-108v, 110v. 114v-120v, 121v, 122v, 124v, 125v-130v, 132v, 135v, 137r-142v, 147v, 149v-151v, 154r-160v, and 171v-172v are blank.

Vat. lat. 3975	saec. XIV.1
-----------------------	--------------------

(SEE TYPED DESCRIPTION - ERSETZEN!)

Scr. Johannes; G. de Bordis.

I + 350 fols. memb. 413 (313) x 271 (188) mm, origin South France (Avignon?).

Quiniones, saec. XIV.1.

fol. 2ra-21vb <**Tabula rubricarum formularii**>

fol. 22r-145r, 150r-325v, 330v-348v <**Pseudo-Marinus de Ebolo, Formularium**>

- secundum stilum Romanae curiae**, recensio secunda (See Vat. lat. 3976 fol. 25r-150v, etc. for further information.) *Variants*:
 (Rubrica) i. liber *om.*; recipiat *pro* suscipiat. (**Ed.** and **Bibl.** C. Erdmann, 'Zur Entstehung der Formelsammlung des Marinus von Eboli', QF 21(1929-30) 176-208 passim, editing texts from fol. 73r-v, 174v, 175r, 182r, and 259r at 201-8, using this MS (siglum B); on fol. 264r-265ra, G. Barraclough, 'The chancery ordinance of Nicholas III', QF 25 (1933-34) 192-250, describing the MS at 202 and using it in the edition at 236-50 (siglum C1); Herde, *Audientia* I 65-66 on the small formulary 'Optime conclusiones' at fol. 143v-145r; F. Schillmann, *Die Formularsammlung des Marinus v. Eboli* I (Rom 1929; anast. repr. 1971. No more published.) 5-6. (The scribe has partly repeated no. 3441 after the last text, no. 3451; cf Schillmann 394-95.)
- fol. 145v-148r **Marinus de Ebolo**, <**Tractatus de revocatoriis**> (See Vat. lat. 3976 fol. 150v-153r for further information.) *Variants*:
 (Rubrica) Martini *pro* Marini (Praefatio) inperferiores *pro* per inferiores (Textus) inpiatur *pro* incipiatur; interporatur *pro* interponitur. (**Ed.** and **Bibl.** Herde, 'Marinus von Eboli' using the MS in the edition at 196-229: siglum β.)
- fol. 148r-150r <**Marinus de Ebolo**, **Tractatus**> **de confirmationibus** (See Vat. lat. 3976 fol. 153r-155r for further information.)
 (**Ed.** and **Bibl.** Herde, 'Marinus von Eboli', using this MS in the edition at 230-50, siglum β.)
- fol. 325v-330v <**Gerardus Blancus Parmensis**, **Formularium**> (See Vat. lat. 3976 fol. 366r-368v for further information.) *Variants*:
 (Inscriptio) G. *pro* Gerardus (Textus) <Puncti desunt.> (**Ed.** and **Bibl.** P. Herde, 'Ein Formelbuch Gerhards von Parma mit Urkunden des Auditor litterarum contradictarum', *Archiv für Diplomatik* 13 (1967) 225-312 at 264-99, using this MS: siglum B.)
- fol. 349r-350r **Bonifacius VIII**, <**Const.**> *Rex pacificus*
 (**Ed.** *Les registres de Boniface VIII*, ed. G. Digard, 4 vols. (BEFAR ser. 2 IV.8; Paris 1907) IV 847-64 no. 5348.)
- fol. 350r-v **Clemens V**, <**Epistola**> *Dudum oblata*
 (**Ed.** *Registrum Clementis papae V*, ed. monachi O.S.B., 8 vols. (Romae 1888) VIII 317-18 no. 9722.)

This MS is written in several chancery cursives in brown ink. Two of the scribes identified themselves: fol. 24vb, 'Explicit iste liber completus pontificatus sanctissimi patris domini Benedicti xii^m anno secundo. Est liber nunc scriptus Iohannes sit benedictus.'; fol. 350v, 'Inter litteras communes domini Clementis pape V ad numerum vi^c lxx. Sumptum de registris per me G. de Bordis de mandato sanctissimi domini nostri.' Capitals are red with violet or blue with red decoration. Rubrics are red. Paragraph signs are red or blue. Catchwords are framed and centered, tending toward the lower right in the later part of the MS. On <I>v a Vatican librarian has written 'Ex pluteo vii in quo extant canoniste in bibliotheca publica ad sinistram ingredientibus per portam maiorem biblithece (*sic*) Apostolice' <I>r bears the modern shelfmark and traces of glue. The MS has a 19th-century parchment binding. Fol. 1r-v and 265v are blank.

Vat. lat. 3976	saec. XIV.2
-----------------------	--------------------

(SEE TYPED DESCRIPTION – ERSETZEN!)

antea 48.

381 fols. memb. 447 (312) x 297 (192) mm, origin South France (Avignon?). Seniones, saec. XIV.2.

fol. 1r-24vb <**Tabula rubricarum formularii**>

fol. 25r-150v, 155r-366r, 369r-380v <**Pseudo-Marinus de Ebolo, Formularium**>

secundum stilum Romanae curiae, recensio secunda

(Rubrica) i. liber. In isto libro est collectio diuersarum licterarum et formarum ac processuum secundum stilum Romane curie. (De summa Trinitate et fide catholica *add. ed.*) Exortatio ad soldanum ut suscipiat fidem Christi. (Inscriptio) Alexander episcopus seruus seruorum Dei magnifico uiro soldano Persarum ueritatem agnoscere et agnitam custodire. (Textus) Ex licteris tuis et nunptiorum (*sic*) tuorum fideli relatione cognouimus ... (Textus ultimus) Attendentes olim quod dil. fil. Osmirus ... (Finis) collacio pertinet conferendi ea personis ydoneis et ecclesie Romane deuotis liberam facultatem etc. (Colophon) Finito libro referantur gratie Christo. Amen. Amen. Amen. Explicit totus liber. (**Ed.** and **Bibl.** C. Erdmann, 'Zur Entstehung der Formelsammlung des Marinus von Eboli', QF 21 (1929-30) 176-208 at 202-3, editing texts from fol. 79v-80r, 180r, 180v, 190v-191r, and 287v at 201-08, using this MS (siglum A); of fol. 295r-296v, the ordinance of Nicholas III, G. Barraclough, 'The chancery ordinance of Nicholas III', QF 25 (1933-34) 192-250, describing the MS at 202-03 and using it in the edition at 236-50 (siglum C2); **Bibl.** F. Schillmann, *Die Formularsammlung des Marinus von Eboli* I (Rom 1929, anast. repr. 1971. No more published.), citing this MS (siglum A); Herde, *Audientia* I 65- 66, on fol. 148v-150v, the small formulary 'Optime conclusiones'.)

fol. 150v-153r **Marinus de Ebolo**, <**Tractatus de**> **revocatoriiis**

(Rubrica) Incipit opus magistri Marini de Ebolo sancte Romane ecclesie uicecancellarii super reuocatoriiis. (Praefatio) Cum per inferiores iudices aliquid iniuste uel improuide agitur ... (Rubrica textus) Cum a diffinitiuā appellatur. (Textus) Et ut a leuioribus incipiatur cum a diffinitiuā interponitur ... (Finis) pro sua industria fraudem uel iusticiam impetrantis. (**Ed.** and **Bibl.** Herde, 'Marinus von Eboli', using this MS (siglum α) in the edition at 196-229.)

fol. 153r-155r <**Marinus de Ebolo, Tractatus**> **de confirmationibus**

(Rubrica) De confirmationibus. (Praefatio) Sicut ea que iniuste aut minus prouide facta sunt ... (Rubrica textus) De confirmatione rerum. (Textus) Cum confirmantur res plerumque confirmatio simpliciter conceditur ... (Finis) si qui fuerit de plenitudine potestatis. (**Ed.** and **Bibl.** Herde, 'Marinus de Eboli' at 230-50, using this MS: siglum α.)

fol. 366r-368v **Gerardus** <**Blancus Parmensis, Formularium**>

(Rubrica) Cautio super hiis que de bonis in maiori forma. (Inscriptio) Omnibus presentes litteras inspecturis Gerardus magister scolarium Parmensis ecclesie ... salutem in Domino. (Textus) Noueritis quod cum ... procurator pro ipso impetraret litteras apostolicas ... (Finis) pecuniam in iam dicte ecclesie Morinensis utilitatem conuersam fore probandi necessitas non incumbat. Datum Viterbii xiii kal. martii pontificatus nostri anno primo. Explicit secundus (VI *corr. al. man. sup. lin.*) liber. Deo gratias. (Benedictus Deus in domis suis et sanctus in operibus suis *add. marg. inf.*) (**Ed.** P. Herde, 'Ein Formelbuch Gerhards von Parma mit

Urkunden des Auditor litterarum contradictarum', *Archiv für Diplomatik* 13 (1967) 225-312 at 264-99, using this MS. siglum A.)
 fol. 381r-v **Johannes <XXII, Epistola> Prophanus hostis** (17 dec. 1321)
 (Bibl. F. Schillmann, *Die Formularsammlung des Marinus v. Eboli* I (Rom 1929; anast. repr. 1971. No more published.) 4; cf. G. Mollat, *Jean XXII lettres communes*, 16 vols. (BEFAR, ser. 3; Paris 1921-46) 4.169 no. 16195, referring to this letter.)

Bibl. F. Schillmann, *Die Formularsammlung des Marinus v. Eboli* (Rom 1929; anast. repr. 1971. No more published) 1-4, and calendaring the entire MS at 80-395.

The MS is written in a chancery cursive in dark brown ink. Large initials open major divisions within the text. Capitals are red with violet or blue with red decoration. Rubrics are red. Paragraph signs are red or blue. Framed catchwords are at lower right at the beginning, but most of the later ones are centered. From fol. 14va to 24vb the table, which was begun in one column, is in two columns. The MS has been trimmed, mutilating many of the notes at the bottom of folios. Additional rubrics and notes in several hands appear in the margins. Among these are modern notes by Giacomo Grimaldi on defects in the texts at fol. 369v, 370v, 377v, 378v, 379v. (The papal letter at fol. 381r-v was added in another hand.) The old shelfmark '48' is at the top of fol. 1r. The MS has a 19th-century leather binding.

Vat. lat. 3977	saec. XIV
-----------------------	------------------

Prov. Avignon, Papal Library.

187 fols. memb. 379 (282) x 282 (194) mm, origin South France. Seniones, saec. XIV.

fol. 1r-173v **Berardus de Neapoli, Dictamina** seu <Epistolae notabiles>

(Rubrica) <I>ncipiunt dictamina magistri Berardi de Neapoli domini pape notarii. Exhortatio ad regem ut Sarracenos de terra sua expellat, Iudeis publica officia non committat et blasphemias eorum compescat, ecclesias et ecclesiasticam libertatem non opprimat et ecclesiam de nouo fundatam doceat. (Inscriptio) Regi Anglorum illustri. (Textus) <A>git nec inmerito mater ecclesia dum letanter sua magnifica gesta commemorat ... (Finis) (fol. 173r) Clemens etc. Etsi in temporalium dispositione quod eciam sigilli quo utebatur olim Burdegalensi ecclesie presidentes fecimus apprehensione muniri. Datum Burdegal. pridie kl. augusti pontificatus nostri anno primo.

fol. 173v-187v <Incertus auctor, **Additiones ad dictamina Berardi de Neapoli**>

(Inscriptio) <C>lemens etc. ad perpetuam rei memoriam. (Textus) In omnem terram uocis apostolice sonus egreditur ut clamor patris a filiis audiatur ... (Rubrica penultima) (fol. 187r) littera coronationis domini Benedicti. (Textus) Benedictus etc. Carissimo in Christo filio C. Sicilie regi illustri. Dominus ac Redemptor noster ... (Rubrica ultima) Super eodem prohemium ... (Finis) habens ad singula tanquam palmo concludens omnia potestatem. Sane etc.

Bibl. F. Kaltenbrunner, 'Actenstücke zur Geschichte deutschen Reiches', *Mitteilungen aus dem Vaticanischen Archive I* (1889), editing many of the individual documents using this MS (siglum DV); idem, 'Römische Studien', *MIÖG* 7 (1886) 2-118, 555-635 esp. 70-76 (siglum DV); H. Otto, 'Berardus Studien', *MIÖG* 22 (1901) 247-68 (siglum V); D. Lohrmann, 'Berard von Neapel, ein päpstlicher Notar und Vertrauter Karls von Anjou',

Adel und Kirche, Gerd Tellenbach zum 65. Geburtstag dargebracht von Freunden und Schülern, ed. J. Fleckenstein und K. Schmid (Freiburg 1968) 477-98; Maier, 'Katalog' 166 no. 583.

The texts at fol. 173v-187v are treated by Kaltenbrunner as additions to the original collection. Fol. 1r-173v were written in one chancery cursive in dark brown ink, fol. 173v-187v in another gothic cursive hand in dark brown ink. Later notes were added in the margins, e.g. fol. 172r. Rubrics are red, as are the capitals at fol. 2r-v. Most of the MS has blank spaces left for capitals. Catchwords are framed at lower right on fol. 1-48 and fol. 59-165. The MS has a 19th-century leather binding.

Vat. lat. 3978	saec. XIV.2
-----------------------	--------------------

Prov. Avignon, Papal Library, Pope John XXII.

92 fols. memb. 427 (315) x 283 (197) mm, origin France. Biniones, saec. XIV.2.

fol. 1ra-13rb <**Constitutiones sive Extravagantes**>

nominantur: **Bonifatius VIII**, Const. *Detestandae* (Extrav. comm. 3.6.1) (fol. 1ra-va); *Unam sanctam* (Extrav. comm. 1.8.1) (fol. 1va-2rb); [Clemens V *cod.*] *Debent superioribus* (Extrav. comm. 1.7.1) (fol. 4rb-5ra); *Rem non novam* (Extrav. comm. 2.3.un.) (fol. 5ra-va), *Clericis laicos* (Sext. 3.23.3) (fol. 8va); *Super cathedram* (Extrav. comm. 3.6.2) (fol. 9va-11rb); *Antiquorum* (Extrav. comm. 5.9.1) (fol. 11rb-va); *Provide* (Extrav. comm. 5.10.2) (fol. 12ra-rb); *Iniunctae* (Extrav. comm. 1.3.1) (fol. 12rb-vb); **Benedictus XI** [Bonifatius VIII *cod.*], Const. *Sancta* (Extrav. comm. 1.3.3) (fol. 2rb-va); *Si religiosus* (Extrav. comm. 1.3.2) (fol. 2va-vb); [Clemens V *cod.*] *Dudum* (Extrav. comm. 5.4.un.) (fol. 3va-4rb); *Inter cunctas* (Extrav. comm. 5.7.1) (fol. 6rb-8va); *Quod olim* (Extrav. comm. 3.13.1) (fol. 8va-9ra); *Ex eo* (Extrav. comm. 5.3.1) (fol. 9ra-va); **Clemens V**, Const. *Quia nonnulli* (Extrav. comm. 5.10.4); *Ex superna* (Extrav. comm. 3.2.2) (fol. 2vb-3va); *Meruit* (Extrav. comm. 5.7.2) (fol. 4rb), *Dudum Bonifacius* (Clem. 2.1.1) (fol. 5va-vb); *Etsi in temporalium* (Extrav. comm. 3.2.3) (fol. 5va-6rb); *Quoniam ex constitutione* (Clem. 4.17.un.) (fol. 9ra); *Ex frequentibus* (Clem. 5.10.1) (fol. 12vb-13rb). (**Bibl.** Dondaine, 'Manuel de l'inquisiteur' at 140-41.).

fol. 13rb-vb **Henricus VII**, <**Const.**> *Reddentes honorem*

(Inscriptio) Henricus septimus diuina fauente clemencia Romanorum imperator semper augustus ad perpetuam rei memoriam. (Textus) Reddentes honorem et debitam reuerenciam ... (Finis) sub debita rubrica uolumus inseri et mandamus. Datum in urbe etc. (**Ed.** MGH Const. 4.2, ed. J. Schwalm, p. 800, using this MS (siglum 2). **Bibl.** Dondaine, 'Manuel de l'inquisiteur' 140-41.)

fol. 13vb-14ra **Henricus VII**, <**Const.**> *Ad reprimenda* (See Vat. lat. 1437 fol. 67ra-71rb for further information) *Variants*:

(Rubrica) clemencia *pro* gratia; et *om.* (Finis) temporis *add. post* alterius (**Ed.** MGH Const. 4.2, ed. J. Schwalm, pp. 965-66, using this MS (siglum 3). **Bibl.** Dondaine, 'Manuel de l'inquisiteur' 140-41.)

fol. 14ra-rb **Henricus VII** <**Const.**> *Quoniam nuper* (See Vat. lat. 1437 fol. 71rb-72va for further information.) *Variants*:

<Rubrica deest> (Inscriptio) Henricus etc. ad perpetuam rei memoriam. (Finis) rebellandi *pro* rebellando; incursum *pro* incurrisse (Datum) Anno a nat. domini

M^o CCC^o XIII^o *add. post* primo. (Ed. MGH Const. 4.2, ed. J. Schwalm, pp. 966-67, using this MS (siglum 5). **Bibl.** Dondaine, 'Manuel de l'inquisiteur' 140-41.)
 fol. 17ra-19rb <**Tabula manualis inquisitionis**>
 fol. 19rb-38ra <Incertus auctor, **Manuale inquisitionis**>
 (Inscriptio) Clemens episcopus seruus seruorum Dei ... (Textus) Cum aduersus hereticam prauitatem quondam Fredericus olim Romanorum imperator ... (Finis) pro locorum consuetudinibus prout prelatus indixerit. (**Bibl.** Dondaine, 'Manuel de l'inquisiteur' 141-46 (Manual 5) providing a detailed analysis.)

(WHY ALL THOSE DETAILS FOR THE CONSTITUTIONS OF HENRY VIII, WHICH ARE FAMILIAR TO EVERYBODY, BUT ONLY AN INSIGNIFICANT INC./EXPL. FOR THE MANUALE (FOL. 19-38) WHICH IS MUCH MORE IMPORTANT!)

fol. 38rb-47rb <**Alexander IV, Gregorius X, Epistolae XIII de inquisitione**>
 (Epistola prima) (Inscriptio) Gregorius episcopus seruus seruorum Dei. (Textus) Turbato corde audiui et narramus ... (Epistola ultima) (Inscriptio) Alexander episcopus. (Textus) Sicut nobis significare curasti nonnulli clerici tue ciuitatis ... (Finis) contradictores per censuram ecclesiasticam compescendo. Darum Viterbii xii kal. iulii pontificatus nostri anno quarto. (Only the first one of Gregory (P 20798), the rest of Alexander; see Dondaine, 'Manuel de l'inquisiteur' 146-47 for analysis.)
 fol. 47rb-49vb <**Responsa II de inquisitione**>, nominantur: **Comes cardinalis tit. ss. Marcellini et Petri** (fol. 47rb-48vb); <Incertus auctor> (fol. 49ra-vb) (**Bibl.** Dondaine, 'Manuel de l'inquisiteur' at 148.)
 fol. 50ra <Incertus auctor>. **Errores Valdensium et Roncarolorum**
 (Rubrica) Errores Valdensium et Roncarolorum. (Textus) Quod ecclesia Romana non est ecclesia ... (Finis) quod quilibet homo bonus potest conficere heucharistiam. (**Bibl.** Dondaine, 'Manuel de l'inquisiteur' 148.)
 fol. 50va-51rb <Incertus auctor, **Formulae inquisitionis**>
 (Rubrica prima) Consilium diocesanum super penitentia hereticis imponenda. (Textus) <V>niuersis presentes litteras inspecturis talis miseratione diuina talis loci episcopus salutem etc. Cum talis frater ordinis predicatorum ... (Rubrica ultima) De penitentia imposita hereticis. (Textus) <T>alis inquisitor omnibus et singulis cappellanis talis diocesis ... (Finis) ecclesiarum uestrarum in caudis sequentibus annotanda. Datum etc. (**Bibl.** Dondaine, 'Manuel de l'inquisiteur' 148-49 with further details.)
 fol. 53ra **Principia euangeliorum ad iurandum et ferendum sententias**
 (Rubrica prima) Principia euangeliorum ad iurandum et ferendum sententias. Secundum Matheum. (Textus) Cum natus esset Ihesus in Bethleem (Mt. 2.1) ... (Rubrica ultima) Secundum Iohannem. (Textus) In principio erat Verbum et Verbum erat apud Deum (Jn. 1.1) ... (Finis) et tenebre eam non comprehenderunt (Jn. 1.5) (**Bibl.** Dondaine, 'Manuel de l'inquisiteur' 149.)
 fol. 53ra-54rb <Incertus auctor, **Formulae ad interrogandum et recipiendum hereticos**>
 (Rubrica prima) Interrogatoria ad hereticos. (Textus) Examinandus de fide sua

non terreatur sed dulciter promittatur ei quod si penitet ... (Rubrica ultima) Hec est forma hereticandi et hereticorum recipiendi (Textus) Ille qui maior est inter eos dicet ita credenti qui uult hereticari ... (Finis) et portat quaecumque uult uel potest habere indumentum. (Bibl. Dondaine, 'Manuel de l'inquisiteur' 149 indicating editions.)

fol. 54rb-58va **Raynerius <Saconi> O.P., Summa de Catharis** (See Vat. lat. 2648 fol. 73rb-76rb, 66vb-67rb for further information.) *Variants:*

(Rubrica) Incipit summa fratris Raynerii de ordine fratrum predicatorum de Catharis et Leonistis seu pauperibus de Lugduno *add.* (Finis) saluabantur *pro* saluantur. (Colophon) discretum *pro* dictum

fol. 58va-59rb <Incertus auctor, **Errores Valdensium**>

(Rubrica) Quatuordecim errores communes pauperibus Lumbardis et pauperibus de Lugduno siue citramontanis (Textus) In hoc concordant pauperes de Lugduno cum pauperibus Lumbardis ... (Finis) quod nullus saluatur nisi in secta eorum.

(Bibl. Dondaine, 'Manuel de l'inquisiteur' 150 indicating editions.)

fol. 59rb-71vb <**Georgius**>, **Disputatio inter catholicum et paterinum haereticum**

(Rubrica) Incipit disputatio catholici contra hereticos super articulis fidei et aliis capitul<is> que inferius subscribuntur. (Textus) Vergente mundo ad occiduum (*sic*) et instantibus periculosus temporibus ... (Finis) stulti, solus Christus est hostium per quem solum intratur in regnum celorum, ad quem nos etc. (Bibl. Dondaine, 'Manuel de l'inquisiteur' 150, 174-180.)

fol. 71vb-72va <**Moneta de Cremona O.P., Summa adversus Catharos et Valdenses**, excerptum> (5.2)

(Rubrica) Extractum est hoc de summa fratris Yuoneti (*sic*) v^a parte capitulo .ii^o.

(Textus) Viso quod Ecclesia Romana a Christo uelut (a *add. cod.*) capite suo sumpsit exordium ... (Finis) item Valentiniani (Valentiniari *cod.*) a Valentino dicti sunt qui Christum dixit nichil de uirgine assumpsisse. (Ed. Moneta Cremonensis, *Adversus Catharos et Valdenses libri quinque*, ed. T.A. Ricchini (Romae 1743; anast. repr. Ridgewood, NJ 1964) 408-11.) **Bibl.** Kaeppli, *Scriptores* III 139 no. 3025; Dondaine, 'Manuel de l'inquisiteur' 150.) (WHY HERE EDITION?)

GAP

fol. 72ra-76vb <**David Augustensis O.F.M.(?), De inquisitione haereticorum**> (See Vat. lat. 2648 fol. 67rb-71va for further information.) *Variants:*

(Rubrica) Lugduno *pro* Luduno (Textus) povre de Lyun *pro* paubre de Leon

(Finis) au chiep dou septime iour vos reposerez cest nostre creance. (Bibl.

Dondaine, 'Manuel de l'inquisiteur' 151 and 180-83 could be added, but may be too buXXXX?; for the controversial authorship see most recently P. Segl, *Ketzer in Österreich. Untersuchungen über Häresie und Inquisition im Herzogtum XXXX?*

fol. 76vb-82rb <Incertus auctor, **Excerpta de inquisitione et haeresibus**>

(Rubrica prima) Statuta regis Francie contra hereticos. (Textus) Statuimus quod heretici, qui a fide catholica deuiant, quocumque nomine censeantur ... (fol. 81va)

(Textus ultimus) Creditur criminosus contra socios criminosos in exceptis

criminibus ... (Finis) de probationibus Proposuiti (X 2.19.4), xxx. q.ii., extra eodem(?).

(**Bibl.** Dondaine, 'Manuel de l'inquisiteur' 151-53.)

fol. 82vb-87va <Incertus auctor, **Doctrina de modo procedendi contra haereticos**>
(Rubrica) Isto modo procedunt inquisitores in partibus Carcassonensibus et Tholosanis. (Textus) Qui ueniens iura (? CF. DONDAINE). Primo accusatus uel suspectus de heresi citatur ... (Finis) super crimine heresis et super contingentibus ipsum crimen puram et plenariam ueritatem. Datum etc. (**Bibl.** Dondaine, 'Manuel de l'inquisiteur' 153, 108-111.)

fol. 87va-88rb <Incertus auctor, **Adnotationes de Inquisitione**>

fol. 88rb-va <**Formula condemnationis in inquisitione**>

fol. 88va-91rb <**Adnotationes de haereticis**>

fol. 91rb-92va <**Formulae variae de sententiis in inquisitione**>

Bibl. Dondaine, 'Manuel de l'inquisiteur' 140-154, Maier, 'Katalog' at 135, A. Maier, 'Zur Geschichte eines berühmten Manuskripts (Vat. lat. 3978)', RSCI 13 (1959) 355-68, repr. A. Maier, *Ausgehendes Mittelalter* II (Roma 1967) 14-56 with Addenda at 498-500; Maier shows that the MS has been written for and annotated by pope John XXII.

The MS is written in a gothic cursive bookhand in gray-black ink. Capitals are red with violet or blue with red decoration. Rubrics are red. Paragraph signs are red or blue. The prickings on the leaves have been damaged by trimmning. Catchwords are framed at lower right. The MS has a 19th-century parchment binding. Fol. 14v-16v and 51v-52v are blank.

Vat. lat. 3979

GAP
saec. XVI

<II> + 93 + II fols. chart. 294 (243) x 213 (180) mm. Quaterniones, saec. XVI.

On fol. Ir (front) and IIv (back) are pasted some small parchment strips from an Italian legal MS, saec. XIII/XIV.

fol. 1r-2v **Urbanus V, <Acta in professione fidei Iohannis imperatoris Constantinopolitani>**

(Invocatio) In nomine Domini. Amen. (Praefatio) Nouerint uniuersi praesentes litteras et instrumentum publicum inspecturi ... (Inscriptio) Vrbanus episcopus seruus seruorum (Dei *om.*) uenerabili fratri Gregorio (Guillelmi *ed.*) episcopo Hostiensi, ... (Textus) Cum magnificus princeps Iohannes imperator Graecorum illustris ... (Finis) et bulla aurea munitum. (Datum) Scriptum in antiqua Roma anno ab incarnatione Domini M.ccc. lxxix^o indict. vii mensis octobris, presentibus reuerendo patre domino Paulo patriarcha Constantinopolitano, domino Nicolao episcopo

GAP

Aurenopolitano et religioso uiro fratre Antonio de Athenis interpretibus ad premissa exponenda electis nostris reuerendissimis cardinalibus ad praemissa authorizantibus, dictoque imperatore ab ipsis ad osculum pacis recepto, et gremio S. R. ecclesiae aggregantibus, ut uero catholico christiano. Scriptum de registris

- papalibus. (**Ed. imperfecta** A. L. Tautu, *Acta Urbani pp. V (1362-70)* (Fontes iuris canonici orientalis ser. III vol. XI; Città del Vaticano 1964) n. 168. **Bibl.** W. M. Peitz, *Das Originalregister* p. 14.
- fol. 4r-66v **Gregorius VII, Epistolae** (See Vat. lat. 4907 fol. 1r-225r for further information.) *Variants:*
 <Invocatio, rubrica, praefatio et epistola prima desunt.> (Epistola secunda) (Rubrica) Ex primo libro. (Inscriptio) Gregorius in Romanum pontificem electus Gisulpho Salernitano principi salutem in Christo Iesu. (Textus) Dominus noster Alexander papa mortuus est, cuius mors ... (Lib. IX ep. 13) (Finis) nullam exinde lesionem faciatis uel fieri permittatis.
- fol. 68r-83v <**Tabula epistolarum**> (see Peitz 15 n. 1)
- fol. 84-93r **Tabula alphabetica notabilium gestorum Gregorii VII** (see Peitz 15 n. 1)
- fol. 93r-v **Dubia de officio Mozarabico** (See Vat. lat. 4906 fol. 37v-38v for further information.)

Bibl. ADD TYPED NOTES (a) and (b) FROM PRINTOUT 4579

Nota bene: This is not a version, nor very similar to 4906, nor systematic, nor a collection! In fact it is one of the two complementary selections from Reg. lat. 2 (the famous 'Originalregister'), which have been labelled 'Auszug A' and 'Auszug B' by Peitz and following him by Caspar. Both of them erroneously classified VL 3979 and 4579 as 'Auszug B', whereas in both cases the selection from book I of the register corresponds to the list given by Peitz for 'Auszug A' (both MSS adding 40.41!).

Anyway, all these MSS are definitely derivations from the Register; they are therefore without any critical value and should be treated as succinctly as possible (no listing of letters!).

The MS. was written in many 16th-century cursive hands in dark brown ink with no decoration. At fol. 68r an older numeration (cancelled) begins (1-26). For the watermarks of the first part, cf. Briquet no. 7112; for the second part, cf. Briquet no. 12235. The 19th-century leather and parchment binding makes use of a 17th-century one. Fol. <I> is blank except for the shelfmark on the recto; fol. 3r-v and 67r-v are blank.

GAP

Vat. lat. 3980 **saec. XIV.1**

antea 115. **Prov.** Honoratus Columbi. **Scr.** Honoratus Columbi.

II + 172 fols. memb. 384 (350) x 242 (226) mm, origin Italy. Quaterniones, saec. XIII.2.

IIva-b <**Tabula rubricarum Librorum Feudorum**>

fol. 1ra-b <**Honoratus Columbi, Tabula decimarum papalium Niciensis diocesis**>
 (Honoratus, a notary, wrote this table when he owned the MS; see his concluding note at fol. 1rb dated April 30, 1457.)

fol. 2ra-7rb <**Tabulae peciarum glossarum ordinariarum Digestorum, Codicis et Decretalium**>

(**Bibl.** G. Battelli, 'Le pecie della Glossa ordinaria al Digesto, al Codice e alle Decretali in un elenco bolognese del Trecento', *La critica del testo. Atti del secondo congresso internazionale della Società italiana di storia del diritto* 2 vols. (Firenze 1971) 69-88, repr.: G.B., *Scritti scelti. Codici. Documenti* (?)

- Archivi* (Roma 1975) 397-4(?), identifying the meaning of this table and describing these folios in detail; Savigny, *Geschichte* VII 91, where he credits Merkel with first recognizing this table.)
- fol. 7va-9rb **Nicolaus <III, Collectio constitutionum>**, imperfecta
 (Inscriptio) Nicolaus episcopus seruus seruorum Dei ad perpetuam rei memoriam.
 (Textus) Cupientes ecclesiarum uacationibus periculosus occurrere ac malignantium subterfugas ... (Finis) ad alia per prestationem iuramenti huiusmodi non teneri. Nulli ergo ... Si quis autem ... Data Rome apud sanctum Petrum XV kal. Aprilis pontificatus nostri anno tercio. Amen. (**Bibl.** This MS contains nos. 1-3 (Sext. 1.6.16 - 2.11.1) in J.F. Schulte, 'Die Dekretalen zwischen den "Decretales Gregorii IX" und "Liber VI Bonifacii VIII"' Sb. Akad. Vienna 55 (1867) 701-69 at 719; and see Vat. lat. 2622 fol. 1ra-vb.)
- fol. 7va-11vb **<Johannes Garsias Hispanus, Apparatus in Const. Cupientes Nicolai III>**, imperfectus
 (Invocatio) In nomine Domini. Amen. (Praefatio) Licet ad occurrendum ecclesiarum uacationibus essent certa (incerta^{ac}) remedia ... (Textus) *Cupientes* etc.: Hec decretalis ualde utilis est quoad expeditionem ecclesiarum ... (Finis) que incontinenti fiunt in /// (**Bibl.** See Vat. lat. 2622 fol. 1ra-vb, 2ra for further information.)
- fol. 12ra-39rb **<Consuetudines feudorum, recensio vulgata>** (See Vat. lat. 1433 fol. 234ra-254vb for further information.) *Variants:*
 (Rubrica) Quibus modis feudum aquiratur et retineatur. (Finis) ut in Lumbarda qualiter quis se defenderet, l. Si contingerit (Lomb. vulg. II 55.7). (This version resembles that in Vat. lat. 1435 fol. 208ra-va.).
- fol. 12ra-39rb **<Accursius, Glossa ordinaria in Consuetudines feudorum>** (See Vat. lat. 1433 fol. 234ra-254rb for further information.) *Variants:*
 ///omitio et constituit feudum ueluti quibus modis feudum aquiratur et retineatur *pro lemma primum* (Textus) ita *pro* istam (Finis) notarum *add. post finem*.
 <Colophon deest.> (**Bibl.** A. Rota, 'L'apparato di Pillio alle *Consuetudines feudorum*', *Studi e memorie per la storia dell'Università di Bologna* 14 (1938) 1-170 at 2-4.)
- fol. 39va-vb **<Guillelmus Panzonus, Casus Authentici>**, fragmentum
 <I>mperator Iustinianus dum esset occupatus circa curam Romani imperii cogitans ... (Finis to Nov. 2 §1) si mater premoriatur/// (**Bibl.** Coing, *Handbuch I* 222.)
- fol. 40ra <Incertus auctor, **Tractatus de instrumentorum editione**>, fragmentum
 (See Vat. lat. 1435 fol. 225va-226ra for further information.) *Variants:*
 (Textus) /// alicui exempta aut alio quolibet modo iniuste
- fol. 40ra **Anselmus de Orto, Tractatus de precariis**> (See Vat. lat. 1435 fol. 226ra-rb for further information.)
- fol. 40ra **<Anselmus de Orto, Tractatus de libello>** (See Vat. lat. 1435 fol. 226rb for further information.) *Variants:*
 (Textus) uidere *add. post* ergo (Finis) autem *add. post*. uendere
- fol. 40ra-va **<Tabula titulorum Authentici>**
- fol. 40va-41rb **<Tabula titulorum Trium librorum>**
- fol. 42ra-78va **<Bernardus Compostallanus junior, Commentaria in Decretales>**

- (Praef.; X 1.1-1.7.2 (See Vat. lat. 2548 fol. 1 ra-32rb for further information)
Variants: (Praefatio) (Textus) *Queritur pro* Quero (Colophon) Gratias agamus domino Deo nostro. (Bibl. G. Barraclough, 'Bernard of Compostella', *English Historical Review* 49 (1934) 487-94 at 488 n. 3. The text of fol. 42ra was washed off and has partially been restored by a 15th c. reader.
- fol. 78va-vb, 80vb <**Moralia**> saec. XIV.2
- fol. 80va <Incertus auctor, **Prognostica hiemis**>
 Propheta Hedras in templo Ierusalem inuenit et testatur esse scriptum ... (Finis)
 flumina in multis locis habundantur.
- fol. 80va <**Nota de artifice**>
- fol. 80va <**Notae medicinales**>
- fol. 81ra-89va <**Guizardinus, Libellus**> **de causis et litibus**
 (Invocatio) <I>n nomine Patris et Filii et Spiritus sancti. (Rubrica) Incipiunt /// ///
 /// de causis et litibus. (Praefatio) <H>ec (Siquidem cod.) arbor duos habet ramos
 ... (Rubrica *marg.*) <De iudic>is aditione. (Textus) Sub (Super cod.) hac rubrica
uidendum est circa iudicem adire oporteat ... (Finis) ex qua (his cod.) notant supra
 de paulina. (Ed. *Scripta Anecdota Glossatorum*, ed. J.B. Palmieri, 3 vols.
 (Bononiae 1901; anast repr. 1962) III 17-68, editing this as a work of Pilius. Bibl.
 Fowler-Magerl, *Ordo* 134-36.)
- fol. 89va-91rb <**Jacobus Balduini, Libellus instructionis advocatorum**>
 <L>audabile aduocationis officium quod circa interponendas interponitur actiones
 ... (Finis) et ff. de lib. agnos. l. Si quis a liberis Si parens (Dig. 25.3.5.8). (Bibl.
 Fowler-Magerl, *Ordo* 147-48
- fol. 91rb-va <**Roffredus Beneventanus, De bonorum possessione**>
 Cum essem accinctus (*sic*) in studio et considerarem quod tractatus de bonorum
 possessione esset difficilis ... (Finis) una extraordinaria bonorum possessio unde
 cognati olim erat. (Bibl. Coing, *Handbuch* I 196).
- fol. 92ra-97vb **Innocentius IV, <Novellae, Collectio III cum extravagantibus>**
 (fol. 92rb *marg.*) <Tabula titulorum> ... (fol. 92ra) (Rubrica) Incipiunt noue
 decretales domini Innocencii pape. iiii. (*marg.*) De rescriptis. (Textus) <C>um in
 multis iuris articulis infinitas reprobetur ... (Finis) per declarationem autem huius
 nolumus aliis defensionibus (defentoribus cod.) seu iuribus partium derogari
 (errogari cod.). (Colophon) Expliciunt nouelle decretales domini Innocentii quarti
 pape. (Ed. Böhmer II 349-67. Bibl. Kessler, 'Untersuchungen' at I 279 n. 351 and
 284-85, noting that this version includes the extravagantes *Si defunctus* and *Non
 solum* (fol. 95vb-96ra). c.8.7. are inversed.
- fol. 98ra-113vb **Bernardus Compostellanus junior, Apparatus in Novellas Innocentii
 IV, Recensio II** (See Vat. lat. 1365 fol. 586va-591va for further information.)
Variants:
 (Rubrica *om.*, indication of pecia I-III in upper margin (Lemma primum) *iuris*
 add. post *multis* (Lemma ultimum) (Sext. 5.12.1) *aliis defensionibus* ... (Finis)
 quare non deberet ualere. (Subscriptio) B. (Colophon) Explicit apparatus
 nouellarum constitutionum. Deo gratias. (Bibl. G. Ancidei, ZZ 'Un *Exemplar dell'*
Apparatus novellarum Innocentii IV di Bernardo di Compostella', in
Palaeographica, Diplomatica et Archivistica: Studi in onore di Giulio Battelli I
 (Roma 1979) 333-41 at 334-37, 340-41.)

fol. 114r-115rb <**Tabula registri Nicolai III**>

fol. 116r-170v **Nicolaus III, Registrum**

(Invocatio) In nomine Domini. Amen. (Rubrica) Incipit registrum litterarum domini Nicolai pape iii. inceptum anno Domini millesimo CC^o lxxviii^o pontificatus sui anno primo. (Inscriptio) Nicolaus episcopus seruus seruorum Dei dilecto filio S. tituli sancte Secilie (*sic*) presbitero cardinali apostolice sedis legato salutem et apostolicam benedictionem. (Textus) Nuper audiuius et audiendo mirati sumus ... (Finis) et apostolice sedis indignationem et temporalis uindictę censuratum merito poterit formidare. Datum Suriano xiii kal. septembris. (Inscriptio of next letter, which was no more copied) Nicolaus et cetera. (**Ed. J. Gay, *Les registres de Nicolas III* (Paris 1898-1938) n. 681-861. The MS is a copy from ASV Reg. Vat. 40. A missing gathering has been supplied: n. 796-833 at fol. 154r-164v in a late 16th c. hand which annotates the text, e.g. fol. 129r. This replacement was made after the addition of the old numeration, which is 11 folia shorter than the new.)**

Bibl. *Consuetudines feudorum ... accedunt capitula extraordinaria*, ed. K. Lehmann (Gottingae 1892-96), rev. ed. K.A. Eckhardt (Biblioteca rerum historicarum, Neudrucke 1; Aalen 1971) pars 3, p. 109 and Kuttner, ZRG kan. Abt. 26 (1937) 452 n. 1, Battelli C.c. 6-7, repr. 402-403, Weimar, RIDC 1 (1990) 63 Nr. 13?, for a brief description of this MS.

This is a composite MS with two main parts: (1) II-fol. 41; (2) fol. 42-170. These were united when the old numeration was made, but before the modern insertion at fol. 154-164. The first part is a composite of several earlier pieces. (a) IIr-fol. 1v, partly erased leaves from a notarial register, Avignon 1344 (See fol. 1v), to which tables have been added at IIva-vb, fol. 1ra-rb; (b) fol. 2ra-7rb, which overlaps the next section: (c) fol. 7va-11vb (mutilated at

Angabe des Korrektors: fehlt seit 72 der vorlage, bis hier hin korrigiert

end); (d) fol. 12ra-39rb, to which has been added (e) fol. 39va-vb, 40ra-41rb (lacking a folio between 39 and 40). Each section is in a gothic bookhand in brown ink, except the tables at fol. 40ra-va, which are in cursive. There are additions in the margins of the *Consuetudines feudorum*. The second part is marked 'Compostellanus' at fol. 42rb *marg.*; and it is of different size. It too is composed of several earlier units: (a) fol. 42ra-78va; (b) fol. 81ra-91va; (c) fol. 92ra-113vb; (d) fol. 114r-170v, including the insertion at fol. 154r-164v. This last may be yet a third discrete part. Each of these sections is in a gothic bookhand in brown ink. Cursive notes have been added at fol. 78va-vb, 80va-b. 'Corr.' is marked at fol. 113va *marg.* There are additions at fol. 42va-43va. Capitals are red or blue to fol. 153. Those to fol. 31 have blue decoration; thereafter, decoration is in the contrasting color. The capitals at fol. 165-170 are red. Rubrics are red, except in the modern insertion. Paragraph signs are red or blue through fol. 78vb; those from fol. 92r onward are red. Framed catchwords are initially at lower right, centered at fol. 115-153, and missing thereafter. Honoratus Columbi signed the table at fol. 1ra-rb. He also signed fol. 113vb *marg.* 'H. Columbi' with the number 115 and a drawing of his arms. The MS has a 19th-century leather binding. Fol. 79r-80r, 114v, 171r-172v are blank.

Vat. lat. 3981

saec. XIV.1

<I> +32 fols. + <I> memb. 302 (221) x 235 (159) mm, origin Germany. Quaterniones, saec. XIV.

<I> <Recepta>

(One of these sets of recepta begins, 'Pillule magistri Petri episcopi Maguntini...'; the other says '...cum pillulis magistri Nicolai quorum receptam habetis', see Schmidt 462n.)

fol. 1ra-28rb **Clemens V**, <Constitutiones Clementinae> (See Vat. lat. 1401 fol. 1ra-60rb for further information.) *Variants*:

(Inscriptio) Auinione *pro* Bononie (Rubrica textus) Rubrica *om.* (Textus) (Finis) et *pro* etiam <Colophon deest.> Bibl. Tarrant 122 and 14

fol. 28va-29ra <**Bonifacius VIII**, <Const. *Iniunctae nobis* (Extrav. commun. 1.3.1)

fol. 29va-31rb **Johannes Andreae**, <Novella in Decretales, excerptum> (X 3.6.6)

(Lemma) *Consultacionibus adhibentis* (sic!): Quia in tribus capitulis huius tituli de coadiutore tractatur ... (Finis) ut in (*om. ed.*) predicta decretali Nemo deinceps de eltane (*sic*). libro VI° (Sext. 1.6.15). (Colophon) Explicit glosa magistralis super titulo et materia de clerico egrotante composita a magistro et domino Iohanne Andree decretorum doctore eximio de Bononia. (**Ed.** Johannes Andreae, *In quinque decretalium libros novella commentaria* (Venetiis 1581; anast. repr. 5 vols. in 4, Torino 1963) III fol. 43va-44va

fol. 31va-32vb **Bonifacius** <**VIII**, <Const.> *Declarationes*

(This copy, addressed to the bishop of Bologna, lacks the clause 'provisio ... extendatur' found at the end of Extrav. commun. 3.7.un. This version is dated 'Laterani XIX kal. februarii pontificatus nostri anno iiii' rather than Anagni? III kal. oct. p.n.a. VII as in Reg. ed. Digard n. 4131 and in Friedberg II 1277 with note 13

Zweite Bemerkung: Ab hier (wohl wieder eingesetzt, jedoch auch Korrekturen zwischendrin gemacht)

<+I>r **Documenta** IV producta in causa, quae anno 1320 de provisione ecclesiae S.Crucis de Northusen (Thuringia) fuit agitata (ed.Schmidt 493-98 n. II-IV)

Bibl. T. Schmidt, Die Propstei von Nordhausen im Jahre 1320 zwischen päpstlichem Besetzungs- und königlichem Vorschlagsrecht, DA 38 (1982) 460-98, giving a careful description of the MS at p. 462s; J.Tarrant, The Manuscripts of the Constitutiones Clementinae. Part II: Napoli to Zwettl, ZRG kan. Abt. 71 (1985) 76-146 giving a brief description of the MS at p.122.

The main body of the MS is written in two gothic textuales of German origin (fol.1r-29r and fol.29v-31r); fol.Iv, 31v-<I>r are written in various small chancery cursives in brown inks. The rubrics, when finished, capitals, and paragraph signs are red. The capitals on fol. 1ra-rb have red decoration. Gatherings are numbered on the first folio recto, beginning with '2' on fol. 1r. <+I> is numbered '6'. The MS has a 19th century cloth and leather binding. <I>r and <+I> are blank.

Vat. lat. 3982

saec. XIVmed.

Prov. 'Libreria papae'; Gaufredus.

<I> + 44 fols. chart. 325 (241) x 240 (190) mm, origin Spain. Biniones et terniones, saec. XIVmed.

fol. 1r-44v <**Constitutiones sive Extravagantes**>, nominantur:

Bonifacius VIII, Const. *Provide* (Extrav. comm. 5.10.2) (fol. 5r), *Iniunctae* (Extrav. comm. 5.7.1) (fol. 5r-v), *Detestandae* (Extrav. comm. 3.6.1) (fol. 5v-6r), *Rem non novam* (Extrav. comm. 2.3.1) (fol. 23r-v); **Benedictus XI**, Const. *Si religiosus* (Extrav. comm. 1.3.2) (fol. 22v), *Ex eo* (Extrav. comm. 5.3.1) (fol. 27v); **Clemens V**, Const. *Etsi <in> temporalium* (Extrav. comm. 3.2.3) (fol. 8v-9v), *Meruit* (Extrav. comm. 5.7.2) (fol. 23r); **Johannes XXII**, Const. *Etsi gratum* (fol. 1r), *Per vestras postulastis* (fol. 1r-v), *Cum nonnullae* (Extrav. comm. 3.2.11) (fol. 1v-2r), *Cum nonnullae personae* (Extrav. comm. 3.2.12) (fol. 2r-v), *Antiqua concertatione* (fol. 2v), <*Quia*> *cunctos* (Extrav. comm. 1.5.1) (fol. 3r), *Ex debito* (Extrav. comm. 1.3.4) (fol. 3r-4r), *Sedes apostolica* (Extrav. Ioan. XXII 4.1) (fol. 4r), *Perlectis litteris* (fol. 4r-v), *Habito consilio* (fol. 4v), *Gravis et dolore Innocentii IV* (fol. 4v), *Cum ad sacrosanctae* (fol. 6r-7r), *Nuper certis ex causis* (Extrav. comm. 3.2.6) (fol. 7r-v), *Nuper ex certis causis* (Extrav. comm. 3.2.7) (fol. 7v), *Si fratrum* (Extrav. Ioan. XXII 5.1) (fol. 7v-8v), *Super gentes* (Extrav. comm. 1.1.1) (fol. 9r), *Quia in futurorum* (Extrav. Ioan. XXII 9.1) (fol. 9r-v), *Copiosus* (Extrav. Ioan. XXII 8.1) (fol. 9v), *Suscepti* (Extrav. Ioan. XXII 1.2) (fol. 9v-10r), *Execrabilis* (Extrav. Ioan. XXII 3.1) (fol. 10r-11r), *Declaratio extravagantis Execrabilis* (**Ed.** Corpus iur. can. glos. 3.[4], fol. 23rb-24rb) (fol. 11r-v), Const. *In delictorum* (Extrav. comm. 2.2 un.) (fol. 12r-v, ending on 30r), *Dat vivendi* (**Ed.** N. Zacour, 'Papal Regulation of Cardinals' Households in the Fourteenth Century', *Speculum* 50 (1975) 434-55 at 447-49) (fol. 14v-15r), *Domine (?) apostolice* (fol. 15r), *Ut quos* (Extrav. comm. 1.7.2) (fol. 15r-v), *Dispendiis* (Extrav. comm. 1.2.1) (fol. 15v), *Malitiis* (Extrav. comm. 1.4.1) (fol. 15v-16r), *Ut praelatorum* (Extrav. comm. 1.8.2) (fol. 16r), *Etsi deceat* (Extrav. comm. 1.8.3) (fol. 16r-v), *Sancta Romana* (Extrav. Ioan. XXII 7.1) (fol. 16v-17r), *Dierum crescente* (Extrav. Ioan. XXII 12.1) (fol. 17r-18r), *Quorundam exigit* (Extrav. Ioan. XXII 14.1) (fol. 18r-20r), *Postulasti* (Extrav. comm. 3.2.10) (fol. 20r-v), *Ecclesiae Romanae* (Extrav. Ioan. XXII 2.1) (fol. 20v-21r), *Dignum arbitantes* (Extrav. comm. 5.2.2) (fol. 21r), *Ad apostolatus* (Extrav. Ioan. XXII 4.2) (fol. 21r-v), *Vas electionis* (Extrav. comm. 5.3.2) (fol. 21v-22r), *Quia nonnumquam* (Extrav. Ioan. XXII 14.2) (fol. 22r-v), *Cum inter nonnullos* (Extrav. Ioan. XXII 14.4) (fol. 22v), *Prodiens* (Extrav. Ioan. XXII 10.1) (fol. 23v), *Salvator noster* (Extrav. comm. 3.2.5) (fol. 23v-24v), *Romanus pontifex* (fol. 24v-25v), *Nuper ex certis rationabilibus* (Extrav. comm. 3.2.8) (fol. 25v-26r), *Ad universalis* (fol. 26r-v), *Docta sanctorum* (Extrav. comm. 3.1.1) (fol. 26v), *Ad nostrum* (Extrav. comm. 3.8.2) (fol. 27r), <*Quia*> *quorundam* (Extrav. Ioan. XXII 14.5) (fol. 27v-29v, ending on 12r), *Spondent* (Extrav. comm. 5.6.1) (fol. 30r-v), *Ratio recta* (Extrav. comm. 3.9.1) (fol. 30v-31r), *Cum Matthaeus* (Extrav. comm. 5.3.3) (fol. 31r), *Frequentes* (Extrav. comm. 2.1.1) (fol. 31r-32v), *Discipulorum* (Extrav. comm. 3.11.1) (fol. 32v-33r); **Benedictus XII**, Const. *Vas electionis* (Extrav. comm. 3.10.un.) (fol. 33r-35r), *Ex cotidiana instancia nobis* (fol. 35r-v), *Ex cotidiana instancia* (fol. 35v-36r), *Attendentes* (fol. 36r-v), *Ex puncto* (fol. 36v-37r), *Dudum foelicis recordationis* (fol. 37-v), *Circa confovendum* (fol. 37v), *Ad regimen* (Extrav. comm. 3.2.13) (fol. 37v-38v), *Regularem vitam* (**Ed.** Bullarium Romanum IV 328-29) (fol. 38v), *Benedictus*

Deus (**Ed. Bullarium Romanum** IV 345-47) (fol. 38v-39v), *Caeca cordis* (fol. 39v-40r), *Super grege* (fol. 40r), *Exigit apostolatus* (fol. 40r-v), *Dudum nos* (**Ed. Bullarium Romanum** IV 390) (fol. 40v-41r), *Pastor bonus* (**Ed. Bullarium Romanum** IV 326-28) (fol. 41r-42r), *Excommunicamus* (fol. 42r-v).
(Rubrica, in red) Hic incipiunt extravagantes domini Iohannis bone memorie pape uicesimi secundi
fol. 43v-44rb ZZ <**Stephanus archiepiscopus Arelatensis, Epistola** (1348)

Bibl. *Extravagantes Ioannis XXII*, ed. Tarrant 105.

The collection is divided into three parts. The first (fol. 1r-33r) ends, 'Hic finiunt extrauagantes domini Iohannis pape XXII cuius anima requiescat in pace'. The second (fol. 33r-42v) begins, 'Incipiunt extrauagantes domini Benedicti pape XII et primo que sequitur de procuracionibus uisitancium' and ends, 'Expliciunt xvi extrauagantes facte per dominum papam Benedictum XII ac per dominum Egidium Martini archidiaconum Beatien. (in *om. cod.*) ecclesia Gienen. rubricate'. The last (fol. 42v-44v) appears to be an addition to the collection. It contains letters addressed specifically to bishops or episcopal vicars in Castile.

The MS is written in a single gothic cursive hand in brown ink. From fol. 30r capitals are red with decoration in brown ink. Rubrics and paragraph signs are red. The paper is in bad condition, and restoration has made identification of quires difficult. ZZ On <I>v are written 'Iste liber est de libreria pape' and 'Gaufredus'. Fol. 12 belongs after fol. 29. Catchwords are framed and centered at fol. 13v and 29v. The MS has a 19th-century parchment binding. <I>r is blank.

Whatever VP standards may impose, chronological listing of single pieces is completely inadequate in this case. The description obscures the clear and skillful structure of the collection in this MS, which may be important for the history of the 'Extravagantes Communes'. The first rubric has been dropped without reason, the other main rubrics are relegated into the discursive description forcing the reader to reconstruct laboriously the clear and simple setting of the collection. The individual rubrics demonstrating the professional skill of the compiler are not mentioned at all.

I include a description of my own, neglecting certain VP formalities which I do not like:

Vat. lat. 3982

saec. XIVmed.

Prov. 'Libreria papae'; Gaufredus.

<I> + 44 fols. chart. 325 (241) x 240 (190) mm, origin Spain. Biniones et terniones, saec. XIVmed.

GAP, GALLEY PROOFS ARE MISSING

fol. 1r-44v <**Johannes XXII et Benedictus II, Collectio constitutionum ab Aegidio Martini Hispano redacta**>

(Rubrica, in red) Hic incipiunt extravagantes domini Iohannis bone memorie pape uicesimi secundi. (Rubrica of first const., in red) Arguit papa collectores suos qui

nichil beneficantis (sic) pro sua substantatione relinquunt ... (Constitutio prima)
 Etsi gratum, 9-VI-1318. (fol. 32v-33r) (Constitutio ultima) Discipulorum Christi
 gesta, 20-VI-1328 (Extrav. comm. 3.11.1). (Colophon, in black) Hic finiunt
 extrauagantes domini Iohannis pape XXII di cuius anima requiescat in pace.-
 (Rubric in red) Incipiunt extrauagantes domini Benedicti pape XII, et primo que
 sequitur de procurationibus uisitantium. (Constitutio prima) Vas electionis, 18-V-
 1336 (Extrav. comm. 3.10 un.). (fol. 42r-v) (Constitutio ultima)
 Excommunicamus, 25-III-1339. (fol. 42v) (Colophon, in red) Expliciunt XVI
 extrauagantes facte per dominum papam Benedictum XII ac per dominum
 Egidium Martini archidiaconum Beatien. (in *om. cod.*) ecclesia Gienens. rubricate.
 fol. 42v-43v (first addition; rubric in red) **Benedictus XII papa, Littera Conchen. et
 Aiolen. episcopis directa, Exultamus in karissimo filio**, 7-III-1340.
 Hic concedit papa cruciatam domino Alfonso regi Castelle ad tres annos ... (in
 black)
 fol. 43v-44r (second addition) **Stephanus archiepiscopus Arelatensis, camerarius
 pape, Littera clero regni Castilie directa, Quia pium et rationi debitum**, 12-XI-
 1348 et transumpta a magistro Didaco notario ecclesie Cordubensis, 24-I-1349.
 fol. 44v (third addition) **Clemens VI, Littera episcopo Gienensi directa, Quamuis
 fidelium**, 20-IV-1352.

The first part of the Collection (Johannes XXII) consists of about 60 constitutions, most of which are part
 of the wellknown collections of 'Extravagantes Johannis XXII' and 'Extravagantes Communes', but
 including also some texts of earlier popes (e.g. fol. 4r-v the widely circulating extravagantes Perlectis,
Habito cum fratribus, Gravis et dolore
 of Innocent IV). On the contrary, only two of the 16 constitutions of Benedict XII appear also in the
 'Communes' (3.10 un., 3.2.13). Almost every single text is preceded by an individual, often elaborate
 rubric due to the compiler Egidius Martini (See the subscription fol.42v as quoted above). The entire
 collection, including the three additions (fol. 42v-44v) is written in an even cursive hand in grey ink and
 carefully rubricated by the same scribe, who may have been Egidius Martini himself. Smaller initials in red
 occur throughout the MS, more elaborate initials in red pen work are on fol.42v and 44r. Certain passages
 have faded away and are consequently hard to read. The paper is of a strikingly unrefined quality without
 any discernable watermarks. Originally the MS was made up of quaterniones, partially decomposed by
 modern restoration. Fol. 12, to be read from verso to recto, belongs after fol. 29. On fol. <1>v is the name
 'dominus Gaufredus' and the note 'Iste liber est de libreria pape', both of 14th c. hands. <1>r is blank. The
 MS has a 19th c. parchment binding.

Vat. lat. 3983

saec. XV.1

169 fols. chart. 294 (197) x 222 (130) mm., origin Germany. Septeniones, saec. XV.1.
 fol. 1r-14v <**Constitutiones sive Extravagantes**>, nominantur: **Johannes XXII**, Const.
Ratio iuris (fol. 1r-5r); **Benedictus XII**, Const. *Decens et necessarium* (fol. 5v-
 8r); **Gregorius XI**, Const. *Quamvis felicitis recordationis* (fol. 8r-9v); **Martinus V**,
 Const. *In apostolicae* (fol. 9v-14r), *Quoniam novissima*, imperfecta (fol. 14v)
 (Ed. see Vat. lat. 2665 fol. 108r-131v.)
 fol. 15r-50v <**Johannes XXII; Benedictus XII; Clemens VI; Innocentius VI; Urbanus
 V; Gregorius XI; Urbanus VI; Bonifacius IX; Innocentius VII; Gregorius
 XII et Alexander V; Regulae cancellariae apostolicae**>
 (Rubrica) Iohannes xxii. (Praefatio) Infrascripte sunt regule restrictiue tradite de
 mandato ... (Textus) In primis iniunxit nobis ut supra ut (quod cod.) sumus omnes

- actenti ... (Finis) uult uti secundum formam in cancellaria declarandam et (declarandam et *om. cod.*) consuetam. (**Ed.** Ottenthal, *Regulae* 1-162 no. 10 except 12 no. 4, 54 nos. 35-36, 81 no. 87, 84 no. 7-9, 169 no. 28-170 no. 31, 161 no. 6, and 162 no. 10, using this MS (siglum B). At xxxi, the editor notes that this MS has the original versions of the protocols of several of Gregory XI's rules.)
- fol. 35^{rb} <Incertus auctor, **Forma supplicationis ad papam pro provisione**>
(Inscriptio) Beatissime pater. (Textus) Vacante plebanatu plebis sancti etc. diocesis etc. ... (Finis) de nouo gratiose dignemini prouidere.
- fol. 52r-85^{rb} <**Clemens VII et Benedictus XIII, Regulae cancellariae apostolicae**>
(Rubrica) Regule domini Benedicti pape XIII^{mi} in cancellaria date de eius mandato per reuerendum patrem dominum Iohannem cardinalem tituli sancte Anastasie Viuariensem (Vibariensem *cod.*) uulgariter nuncupatum (Sancte Romane ecclesie *add. cod.*) uicecancellarium (De reseruacionibus *add. cod.*). (Praefatio) Sanctissimus in Christo pater et dominus noster dominus Benedictus diuina prouidentia papa xiii ... (Textus) In primis fecit similes reseruaciones illis que in constitutione domini Benedicti pape xii ... (fol. 84^v) (Finis) illam fecimus presentibus annotari. Nulli ergo etc. Nostre annotationes infringere etc. Datum Auinione iii kalendas marcii anno iiii^o. (**Ed.** Ottenthal, *Regulae* 124-141 no. 113, 94-115 nos. 19-22, 24-25, 28, 30, 34, 40, 42 in med.-in fin., 44-47, 49, 52-53, 55, 60, 68, 70, 82, 86-87, 89, 110-111, followed at fol. 69r-v by two unprinted texts, the first ending 'Continetur datum Auinione xv. kalendas februarii anno ix^o', then pp. 142-58 no. 172a (with a text inserted at fol. 77v-78r between nos. 155 and 156), the next texts (fol. 82v-84v) are unedited, then p. 159 no. 174 appears on fol. 84v. At fol. 85r the materials at fol. 59v-60r [Ottenthal 134 no. 67 in med.-135 no. 70 in prin.] are repeated.)
- fol. 86r-90r, 116^{rb} <**Constitutiones sive Extravagantes**>, nominantur: **Johannes XXII**, Const. *Ratio iuris*, imperfecta (See above fol. 1r-5r) (fol. 86r-88r); **Johannes XXIII**, Const. *Rationi congrua* (fol. 116r); **Martinus V**, Const. *Quod antidota* (**Ed.** *Bullarium Romanum* IV 667-68) (fol. 89r), *Damnabile* (fol. 89v-90r)
- fol. 90v-111v **Concilium Constantiense**, (1414-1418), <excerpta> (See Vat. lat. 2665 fol. 132r-147v for further information.) *Variants*:
(Rubrica) Capitula Narbonensia.
- fol. 111v-116r **Martinus V**, <**Reformationes curiae**> (See Vat. lat. 2665 fol. 156r-160v for further information.) *Variants*:
(Colophon) Constitutiones me presente in cancellaria *add. post* predictae; die xvi mensis *om.*; in audientia ... nostri *om.*
- fol. 116v <**Concilium Pisanum (1409)**, excerptum> (See Vat. lat. 3884 fol. 64r for further information.)
- fol. 118r-125^{rb} <**Martinus V**, Const. *Romani pontificis*>
(**Ed.** *Bullarium Romanum* IV 708-14; Tangl, *Päpstliche Kanzleiordnungen* 146-60.)
- fol. 127r-169v <**Martinus V et Eugenius IV, Regulae cancellariae apostolicae**>
(Praefatio) Ad illius cuius perfecta sunt opera et a quo eius in terra (terris *cod.*) uicario ... (Textus) In primis enim (etiam *cod.*) nonnullorum suorum predecessorum donec super hiis ... (fol. 169r) (Finis) omissis ac ualoribus et qualitatibus earundem etc. (*Colophon*) Placet a x kal. aprilis usque ad x kal. maii

- dummodo supplicationes sint signate manibus referendariorum nostrorum. Die xxvii marcii lecte et publicate fuerunt in cancellaria. Die decima (mensis add. cod.) aprilis fuerunt publicate omnes supradicte constitutiones in audientia contradictarum presente me Fernando Lucensi episcopo contradictarum auditore. Ponatur in libro. Blasius Gradensis (Ponatur ... Gradensis *om. cod.*). (Ed. Ottenthal, *Regulae* pp. 187-222 no. 136, p. 225 no. 150, p. 226 no. 152 (=fol. 127r-139v), fol. 139v is unprinted = *Taxationes cancellariae sub Martino V*; then p. 223 no. 137, p. 226 no. 152 (=fol. 140r-145v), p. 226 no. 153, p. 236 no. 204 (=fol. 148r-161r), fol. 161 is unprinted = *De quinquenio* (13-IV-1425), then pp. 238-51 no. 93 (=fol. 163r-169r), p. 252 *Colophon* (=fol. 169r), p. 238 no. 1-1a in med. [repeated], p. 254 no. 107 (fol. 169v).)
- fol. 145v-147v <**Universitas studii Parisiensis, Rotulus presentatus Martino V**> (1424) (Praefatio) Ad uestre sanctitatis celsitudinem pater beatissime presentem rotulum supplicationum ... (Textus) Primo dignetur e.s. (u. *add. cod.*) presentem rotulum et contenta in eo solito more ... (Finis) absque tamen preiudicio doctorum et magistrorum infrascriptorum. Fiat si alias fuerint exempti O. (*Colophon*) Publicate et michi tradite in cancellaria die 'xv' que fuit idus may anno septimo. M. de Nouaria. ZZ (Ed. *Chartularium Universitatis Parisiensis*, ed. H. Denifle, 4 vols. (Parisiis 1897) IV 430-31 no. 2237.)
- fol. 162r-v **Collegium cardinalium, Ordinationes in conclavi** (1430), imperfectae (Rubrica) Copia ordinationum editarum per collegium dominorum cardinalium existencium in conclavi per (*sic*) electione futuri Romani pontificis ... (Praefatio) Nos omnes et singuli sancte Romane ecclesie cardinales (uidelicet Iordanus etc. *add. cod.*) iuramus et uouemus Deo ... (Textus) Item in primis quod curiam Romanam in capite et (in *add. cod.*) membris reformabit ... (Finis) nec approbabit sine eorumdem dominorum cardinalium consilio et consensu (eorumdem consilio et assensu *cod.*) (Ed. Baronius, *Annales* an. 1431 §§6-8k (Ed. Theiner 28.89-90).)
- fol. 169v **Rodericus Gundissalvi, <Petitio ad papam in causa archidiaconatus Palentuelae>**

Bibl. Ottenthal, *Regulae* at xxxviii-xl.

This composite collection is in several cursive hands in brown ink of varying shades. See Ottenthal, *Regulae* at xxxix for a discussion of the hands. The main sections are indicated by capitals in a contemporary hand: B at fol. 15r; C at fol. 52r; D at fol. 86r; F at fol. 118r; G at fol. 126r. There are sporadic marginalia in several hands. The irregular gatherings, in which septenions predominate, are indicated by a variety of catchwords. For the watermarks, cf. Briquet nos. 11728, 11867, and 3644. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one. Fol. 51r-v, 85v, 88v, 117r-v, 126r-v except for a title on the recto, and 161v are blank.

Vat. lat. 3984

saec. XIVex./XVin.

Prov. Johannes <XXIII>(?); L. de Temperiis; Johannes Conradi de Totnang. **Scr.** L. de Temperiis.

146 fols. chart. (memb.: fol. 1, 42-46, 80-81, 104-105, 112, 118-119, 126); 293 (211) x 210 (145) mm, origin Germany. Octoniones, saec. XIVex./XVin.

fol. 1r **Epigramma**

- (Rubrica) Tullius de amicitia. (Textus) Quid dulcius quam habere aliquem in quo omnia audeas sic loqui ut tecum. (**Bibl.** Cf. Walther, *Initia* no. 2500/OB.)
- fol. 1ra-rb <Incertus auctor, **Grammatica**, excerptum>
 ZZ (Textus) Ab adulor hec adulteri et inde hec adulterare ... (Finis) et componit cupis idest aues capiens.
- fol. 1rb <Incertus auctor, **Versus**>
 ZZ (Textus) Sanus eo cubitum sed lesus uado cubarum ... (Finis) sub ipsis retine pullos. (**Bibl.** Cf. H. Walther, *Proverbia sententiaeque latinitatis medii aevi*, 5 vols. [Göttingen 1963-67] IV no. 27507.)
- fol. 2r-31r **Johannes XXII; Benedictus XII; Clemens VI; Innocentius VI; Urbanus V; Gregorius XI; Urbanus VI; Bonifatius IX; Innocentius VII et Gregorius XII; Regulae cancellariae apostolicae**
 (Rubrica) Regule date in uicecancellaria per dominum Iohannem papam xxii^{um}
 (Praefatio) Infrascripte sunt regule restrictiue tradite de mandato ... (Textus) In primis iniunxit nobis ut supra ut (quod *cod.*) simus omnes actenti ... (Finis) et uoluit quod data tertie apercionis esset kal. februarii. (**Ed.** Ottenthal, *Regulae* 1-86 no. 8 with no. 3 in the *regulae* of Boniface IX before no. 1 at fol. 19r. The editor uses this MS: siglum C.)
- fol. 43r-45rb <**Tabula libri II cancellariae**>
 (The table basically matches the table at Barb. lat. 2825 fol. 2r-8r. There are 156 items in the table, three beyond the *Liber II Cancellariae* as defined by Tangl; the numbering in the table only extends to CXI, although all 156 are numbered in the *Liber* itself. The table is in a different hand from the preceding *regulae* and from the *liber*; it appears to have been added after the latter was completed.)
- fol. 45v-48rb <**Constitutiones sive Extravagantes**>, nominantur: **Bonifacius IX, Const. Provisionis nostrae** (fol. 45v), **Benigno sunt** (fol. 47v-48r); **Urbanus V, Const. Intenta semper** (fol. 46r); **Urbanus VI, Const. Viri sacre lectionis** [Robertus Bede O.P.] (fol. 46r-v), **Sedes apostolica** (fol. 46v-47v).
 (These have been added in a neat chancery hand in space originally reserved for the continuation of the preceding table. Similar texts appear in the additions to the *Liber II cancellariae* in Barb. lat. 2825, q.v.)
- fol. 48r-77v, 81r-108r **Liber II cancellariae** (See Barb. lat. 2825 fol. 15r-101r for further information.) *Variants*:
 (Rubrica) nostre *add. post* domini (Datum) pont. nostri *om.* <Colophon deest.>
 (**Ed.** and **Bibl.** Tangl, *Päpstliche Kanzleiordnungen*, editing selected texts using this MS (siglum V), and, at lxii, stating that this is a copy of Barb. lat. 2825 (cited as XXXV.69). It is, in fact, almost the same, including the corrections made to the latter's description. However, there are some important differences. Aside from the intrusions in formerly blank spaces (see below), major differences from Barb. lat. 2825 are: Benedictus XII, Const. *Regularem vitam professis* is missing; at fol. 67v, an extra formula 'Sincere devotionis affectus' has been added after Tangl's formula CLXVIII; while both Urbanus V, Const. *Paterna caritas* and *Ex paterna caritate* appear, here *Paterna caritas* comes first. The blank spaces at fol. 78v-80v, 95r and 96v were later filled with documents from the chancery of John XXII or from the Council of Constance. Another document from Constance was copied at fol. 110r, and others from the pontificate of Martin V were added at fol.

- 110r-111v. For all of which, see below.)
- fol. 77v-78r **Johannes XXII, Const. *Suscepti regiminis*** (Extrav. commun. 3.3.1)
- fol. 108r-109v <**Liber II cancellariae, additiones**>
 ZZ (This includes four texts, numbered CLIII to CLVI and included in the preceding table, and two unnumbered texts which the scribe meant as a continuation of the *Liber*. Included are: Urbanus VI, Const. *Dudum omnia* (fol. 108r); Innocentius VI, Const. *Apostolice sedis providentia* (fol. 108r-v) (**Bibl.** Tangl, *Päpstliche Kanzleiordnungen* Const. XIX, note only); a *Forma iuramenti* which abbreviates that of 'Mattheus archiepiscopus' to a pope of the Roman obedience, execrating the memory of Clement VII (d. 1394) (fol. 108v-109r); Urbanus VI, Const. *Viri sacre lectionis* [Beltrandus de Parma O.F.M.] (fol. 109r-v); an extended version of Tangl's formula CVI from the time of Martinus V (cf. Tangl, *Päpstliche Kanzleiordnungen* 307-08) (fol. 109v); and a formula 'Prohemium pulcrum pro littera apostolica' (fol. 109v)
- fol. 78v-80v, 96v, 110r-111v <**Epistolae tempore concilii Constantiensis**>, nominantur: **Johannes XXIII** (fol. 79r-80r, 96v); **Concilium Constantiense (1414-1418)** (fol. 78v, 80v, 110r); **Martinus V** (fol. 110r-111v)
- fol. 80r-v <**Iuramentum in cancellaria apostolica**>
 (The oath abbreviates that of Nicolaus abbot of S. Maria de Canneto in the pontificate of **John XXIII**)
- fol. 113ra-re <**Catalogus pontificum**> (Petrus - Honorius IV)
- fol. 113va-vb <**Bonifacius VIII, Liber sextus**> (Regulae iuris)
 (fol. 113v) (Rubrica) Regule iuris sexti decretalium. (fol. 113va) (Textus) Beneficium ecclesiasticum non potest licite sine institutione canonica obtineri ... (Finis) infamibus porte non pateant dignitatum. (Colophon) Expliciunt regule iuris sexti decretalium. (**Ed.** Friedberg II 1122-24. This copy reverses the order of the last two *Regulae*.)
- fol. 114ra-121vb **Provinciale <cancellariae apostolicae>**
 (Rubrica) Incipit prouinciale. (Textus) In ciuitate Romana sunt quinque ecclesie que patriarchie dicuntur (patriarchales *pro* que ... dicuntur *cod.*) ... (Finis) que similiter protenditur per dietam et plus (amplius *cod.*). (**Ed.** Tangl, *Päpstliche Kanzleiordnungen* 3-32.)
- fol. 121vb-122rb <**Provinciale cancellariae apostolicae, additio**>
 Et est (*sup. lin.*) sciendum quod in primitiua ecclesia fuit assignatum ... (Finis) ordo milicie de Alcantara in Ispania. (**Ed.** This addition is partially edited in *Tractatum ex variis iuris interpretibus collectorum* ..., 17 vols. (Lyons 1549) XIV fol. 387ra-rb. **Bibl.** H. Börsting, *Das Provinciale Romanum* ... (Lengerich i. W. 1937) 8, 67 (siglum E2), saying that this redaction of the Provinciale was made by L. de Temperiis.)
- fol. 122rb-123ra <Incertus auctor, **Tractatus de coronatione imperatoris**>
 ZZ (Praefatio) Quia dictum est supra de nominibus dignitatum et prelacionum ... (fol. 122va) (Textus) Sciendum est (enim *add. cod.*) quod duo sunt imperatores Christianis seu (Christianis seu *om. cod.*) Christianorum ... (Finis) rex Sardinie rex Vngarie rex Anglie. (Et sic est finis. *add. ed.*) (**Ed.** A. Werminghoff, 'Ein Tractatus de coronatione imperatoris aus dem vierzehnten Jahrhundert', ZRG Germ. Abt. 24 (1903) 380-90 at 381-85, without the preface.)

- fol. 123rb-va <Incertus auctor, **De ordinatione iudicum in litteris apostolicis**>
 (Rubrica) De ordinatione iudicum qui ponuntur et dantur in litteris apostolicis.
 (Textus) Nota quod iudices qui ponuntur et dantur in litteris apostolicis ... (Finis)
 in litteris apponatur et detur etc. Amen. (This work is followed by [Isti sunt qui
 debent venire ... singuli.] with the marginal note: 'Partum? est superius per
 optime.')
- fol. 123vb-124rb <Incertus auctor, **Chronica mundi usque ad Sylvestrum I**>
 ZZ (Textus) Postquam Dominus creavit mundum uidelicet celum et terram ...
 (Finis) et ibi sunt cum multis aliis reliquiis reclusa.
- fol. 124rb-126vb <**Constitutiones sive Extravagantes**>, nominantur: **Bonifacius VIII**,
 Const. *Provide attendentes* (Extrav. comm. 5.10.2) (fol. 126vb); **Benedictus XI**,
 Const. *Quod olim* (Extrav. comm. 3.13.un.) (fol. 124rb-va), *Inter cunctas* (Extrav.
comm. 5.7.1) (fol. 125ra-126va); **Clemens V**, Const. *Pastoralis* (Extrav.
 commun. 3.13.un.) (fol. 124va), *Ne Romani* (Clem. 1.2.3.) (fol. 124va-125ra).
- fol. 127r-142rb <**Petrus de Pratis, Taxationes <cancellariae apostolicae sub Johanne
 papa XXII>**>
 (Praefatio) Infrascripte sunt taxationes litterarum apostolicarum facte et ordinate
 per dominum Petrum Penestrinum episcopum ... (Textus) Et primo ordinavit et
 precepit quod in similibus ... (Finis) in eisdem taxationibus Romaninus pro
 Turonensi ponatur. (Ed. M. Tangl, 'Das Taxwesen der päpstlichen Kanzlei vom
 13. bis Mitte des 15. Jahrhunderts', MIÖG 14 (1892) 1-106 at 77-103, using this
 MS: siglum V.)
- fol. 142r-144rb <**Constitutiones sive Extravagantes**>, nominantur: **Johannes XXII**,
 Const. *Pater familias* (fol. 142r-143v); **Clemens VI**, Const. *Ad universitatis* (fol.
 143v); **Gregorius XI**, Const. *Statutum per felices recordationis* (*Bullarium
 Romanum* IV 565) (fol. 144r).
- fol. 145r-v <**Iuramenta in cancellaria apostolica**>
 (Ed. Tangl, *Päpstliche Kanzleiordnungen* 39-41; these are Tangl's Iuramenta VI d
 and VI c. **Bibl.** B. Schwarz, *Die Organisation kurialer Schreiberkollegien von
 ihrer Entstehung bis zur Mitte des 15. Jahrhunderts* (Tübingen 1972) at 246, 250:
 siglum V.)
- fol. 145v-146rb <**Formulae cancellariae apostolicae**>, nominantur: **Johannes XXIII**
 (fol. 146r); Incertus auctor (fol. 145v-146r)

Bibl. Ottenthal, *Regulae* xxiv and xl-xli, describing this MS; Tangl, *Päpstliche
 Kanzleiordnungen* at liii n. 2 and lxxi; B. Schwarz, *Die Organisation kurialer
 Schreiberkollegien von ihrer Entstehung bis zur Mitte des 15. Jahrhunderts* (Tübingen
 1972) at 244, 264.

The MS is a composite collection which falls into three main sections: fol. 2r-31r; fol. 43r-111v; fol. 113ra-
 146r. The MS is in several cursive hands in brown ink. The chief of these in the third part of the MS is that
 of L. de Temperii, according to Börsting. The capitals from fol. 50r-77v have red decoration, while the
 paragraph signs of the same section are red. The rubric on fol. 50r is red. The few catchwords are framed at
 lower right. Fol. 146v has pen trials, accounts and 'Iste liber cancellarie est domini nostri Iohannis', possibly
 a reference to John XXIII. There are many erased notes in multiple hands from the first half of the 15th
 century on fol. 1r. They include the ex libris 'Iste (?) liber est L. de Temperii' and 'Iohannes Conradi de
 Totnang' and the inscription of a papal letter of John (XXIII?) as a probatio penna. For watermarks, cf.
 Briquet no. 11689. Fol. 1, 42-46, 80-81, 104-5, 112, 118-19, 126 are made of parchment, often serving as

the inner and outer leaves of the irregular gatherings, among which octernions DOES THIS WORD EXIST IN ENGLISH? predominate. The MS has an 18th-century parchment binding. Fol. 1v, 31v-42v, 112r-v, and 144v are blank.

Vat. lat. 3985

saec. XIV

54 fols. + <I> memb. 159 (94) x 111 (71) mm. Quaterniones, saec. XIV.
fol. 1r-8r **Johannes <XXII, Const.> Ad conditorem** (Extrav. Joan. XXII 14.3)
fol. 8r-v **Johannes <XXII, Const.> Cum inter nonnullos** (Extrav. Joan. XXII 14.4)
fol. 9r-54v <**Michael de Cesena, O.F.M. (?)**, **Appellatio contra Johannem XXII**>
(Inscriptio) <V>niuersis Christi fidelibus presentes litteras inspecturis humiles
Christi pauperes fideles et catholici oppressi pro defensione ueritatis fideique
Christiane salutem et pacem in eo, qui cum esset diues pro nobis pauper factus
est, et tradidit semetipsum pro nobis, et lauit nos a peccatis nostris in sanguine
suo. (Textus) Veritatem sapientis animus non recusat, nec fides recta patitur
quamcumque (quamque *ed.*) iacturam ... (Finis) Cui cum Patre et Spiritu Sancto in
Trinitate perfecta omnis sit laus honor (*om. ed.*) et gloria in secula seculorum.
Amen. (Ed. E. Baluze, *Miscellanea novo ordine digesta*, ed. J.D. Mansi, 4 vols.
(Lucca 1762) III 341-355.)

The MS was written in gray ink in a gothic bookhand by a single scribe. Space has been left for an initial at the beginning of each section. On <+I>v is the note: 'Privilegium quoddam fratrum minorum <e>t multi errores.' The MS has a modern leather and cloth binding. Fol. <+I>r is blank.

Vat. lat. 3986

saec. XIV.2

24 fols. memb. 273 (198) x 187 (134) mm, origin France, saec. XIV.2.
fol. 1r-11v **Johannes XXII; Guido de Baysio; Bertrandus de Deucio; Beltraminus Paravicini; Johannes Jofredi, Constitutiones audientiae litterarum contradictarum**
(Rubrica) Constitutio felcis memorie domini Iohannis pape xxii super obseruanciis audientie litterarum contradictarum. (Inscriptio) Iohannes episcopus seruus seruorum Dei ad perpetuam rei memoriam. (Textus) Qui exacti temporis gesta recenset ac eorum rationes aduertit ... (Finis) ab auditorio sui auditoris et a palatio predicto expellantur. (Colophon) Finiuntur constitutiones palatii causarum. (Ed. of fol. 1r-2v: Tangl, *Päpstliche Kanzleiordnungen* 111-15, const. 13 (the MS lacks §§ 13-19); of fol. 2v-8r: J. Teige, *Beiträge zur Geschichte der Audientia Litterarum Contradictarum* (Prague 1897) I-XV, using this MS (siglum B); of fol. 8r-11v: Tangl, *Päpstliche Kanzleiordnungen* 83-90, const. 11 (the MS lacks §§ 43-45 and the concluding formulae).)
fol. 11v-17rb <**Provinciale cancellariae apostolicae**> (See Vat. lat. 3984 fol. 114r-121vb for further information.) *Variants:*
<Rubrica deest.> (Textus) In ciuitate Romana sunt v ecclesie principales et sunt hee (*sic*) ... (Finis) qui *pro* que
fol. 17rb-18ra <**Additio ad provinciale cancellariae apostolicae**> (See Vat. lat. 3984 fol. 121vb-122rb for further information.) *Variants:*
(Finis) ut in primo folio codicis ubi dicitur omnia que uidemus nostra continetur.

- (Versus) Inuidia Romanorum ... Luxuria Sarracenorum. (Colophon) Et est sciendum quod episcopatus suprascripti singuli uidelicet sub diuersis prouinciis reperiuntur. Amen. (This version of the addition differs from that in Vat. lat. 3984, giving materials concerning the Holy Roman Empire on fol. 17va-18va instead of the list of religious orders in Vat. lat. 3984 fol. 122ra-rb. The verse resembles one in University of Chicago MS 689 fol. 115v.)
- fol. 18v-24v <**Formulae audientiae litterarum contradictarum**>
 (Rubrica of first form) Forma conventionis (Inscriptio) Omnibus. (Textus) Noueritis quod cum inter magistros G. de ... uenerabilium uirorum capituli ecclesie de ... in Romana curia procuratorem (*ed.* p. 51) ... (Finis) non satisfaceret litteras ipsas lacerauimus iuxta consuetudinem (*ed.* p. 55).
 (Ed. Teige, *Geschichte der Audientia* 19-60, where most of these texts are edited, passim, using this MS.)
- fol. 24v <**Adnotationes de morte Urbani V et de electione Gregorii XI**> (1371)

Bibl. H. Börsting, *Das Provinciale Romanum* ... (Lengerich i. W. 1936) 7, 56-57 (siglum D3); Liotta, 'Appunti' 30 n. 124, 41-50; Teige, *Geschichte der Audientia* 16; Herde, *Audientia* I 23 n. 16, 30 n. 56; idem, 'Ein Formelbuch Gerhards von Parma mit Urkunden des Auditor litterarum contradictarum aus dem Jahre 1277', *Archiv für Diplomatik* 13 (1967) 225-312 at 226 n. 9.

The MS consists of an octernion (fol. 1-16) and a quaternion (fol. 17-24) written in a single gothic cursive bookhand in grey ink. Some major initials are missing on fol. 1-11. The notes on fol. 24v establish a *terminus ante quem* of 1370 for the copying of the main texts. The MS has a modern parchment binding.

Vat. lat. 3987

saec. XVin.

Scr. Johannes Clareti.

73 fols. chart. 213 (167) x 144 (96) mm, origin France (Avignon). Quiniones, saec. XVin.

fol. 1r-66r **Johannes XXII; Benedictus XIII; Clemens VII; Innocentius VI; Urbanus V; Gregorius XI; et Benedictus XIII, <Regulae cancellariae apostolicae>**
 (Rubrica) Regule date in uicecancellaria (*sic*) per dominos Iohannem papam xxii, Benedictum xii, Clementem vi, Innocentium vi, Urbanum v, Gregorium xi et Clementem vii. (Praefatio) Infrascripte sunt regule restrictiue (*om. cod.*) tradite de mandato ... (Textus) In primis iniunxit nobis ut supra ut simus omnes actenti ... (Finis) qui in officio precesserunt fieri consueta facere absque alio specialiori mandato. (Ed. Ottenthal, *Regulae* 1-44 no. 90, 90-141 no. 112. The *regulae* of Gregory XI on fol. 26r-27v are unprinted.)

fol. 66v-72rb <**Petrus de Fetenhiaco (card. 1383-1392), Testamentum**> (Avignon; 5-X-1392)

fol. 72v-73rb <**Johannes Clareti, Legata recepta ex testamento Petri de Fetenhiaco**> (14-XI-1410)
 (The greatest part of this list is in provençal, signed 'Iohannes scripsit.' Pen trials follow.)

fol. 73r <Incertus auctor, **Versus**>

Taurus eques pastor sol seruus femina doctor ... (Finis) radiis pede dante flagellis - Bene. (Subscriptio) Iohannes scripsit. (The first line is repeated twice; the whole

poem is repeated on fol. 73v. The complete copy ends 'Gute scripsit.').
fol. 73v <Incertus auctor, **Versus**>

ZZ (Textus) Dilige luxuriam uitium (ueneremur cod.) cole destrue sanctos ...
(Finis) numquam [mala] bona (*super lin.*) morte peribis. (Subscriptio) Gute
scripsit. (**Bibl.** Walther, *Initia* no. 4490. The first line is repeated in the right hand
margin; pen trials follow the last line. The tearing away of part of the bottom of
the leaf has partially removed a notice in a cursive hand which was written with
the sheet upside down.)

Bibl. Ottenthal, *Regulae* at xli (siglum D).

Johannes Clareti, the scribe, identifies himself at fol. 72v: 'Anno Domini mccccx et xiiii die mensis
nouembris ego Iohannes Clareti canonicus et procurator ecclesie sancti Desiderii Auinionensis confiteor me
habuisse et recepisse a domino Petro, uidelicet ...' He wrote a cursive hand in darkbrown ink. The first three
gatherings, among which quinions predominate, begin with a letter (A - C) in the lower margin of the first
leaf. Fol. 13-22 are also numbered i-x, with the Roman numeral written over or cancelled. For the
watermarks, cf. Briquet nos. 5593, 6553, and 9031. The MS has a 19th-century leather and parchment
binding incorporating the 17th-century one.

Vat. lat. 3988

saec. XIV

<II> + 30 fols. + <II> - 2 memb. 212 (163) x 160 (114) mm, origin France. Quaterniones,
saec. XIV.

<I>r-<II>v <**Fragmentum** (In festo S. Sebastiani)>
(This leaf is in a late 12th-century bookhand)

fol. 1r-30v <**Constitutiones** sive **Extravagantes**>, nominantur: **Innocentius III**, Const.
In singulis (X 3.35.7) (fol. 25r); **Honorius III**, Const. *Ea quae* (X 3.35.8) (fol.
25v-26r); **Bonifacius VIII**, Const. *Praesenti* (Sext. 1.16.9) (fol. 26r); **Benedictus
XII**, Const. *Summi magistri* (**Ed. Bullarium Romanum** IV 347-87) (fol. 1r-24r,
cum tabula fol. 24v), *Vas electionis* (Extrav. comm. 3.10.un.) (fol. 26r-v), *Dudum
pro bono* (**Ed. Bullarium Romanum** IV 462-67) (fol. 26v-30v).

These texts are badly corrupted, and extensive corrections have been made. The MS is in a gothic cursive
in red-brown ink. Rubrics, capitals, and Paragraph signs are red. The roman numeration on the verso of
each leaf is correct, however the arabic numeration on the rectos, which skips from fol. 1 to fol. 3, is
followed here. Catchwords are at the lower right. The MS has a 17th-century leather and parchment
binding incorporating an older one. <+I>r - <+II>v are blank.

Vat. lat. 3989

saec. XIV

antea 1380. **Prov.** Gregorius M.

104 fols. chart. 303 (218) x 225 (167) mm, origin South France (?), saec. XIV

fol. 1ra-rb <**Tabula Constitutionis Summi magistri**>

fol. 1v-30v **Benedictus** <**XII**, **Const.**> *Summi magistri*
(**Ed. Bullarium Romanum** IV 347-87.)

fol. 31r-32v **Benedictus** <**XII**>, **Const.**> *Dudum pro bono*
(**Ed. Ed. cit.** IV 462-67.)

fol. 33r **Thomas Aquinas O.P.** (s.), **Sermo de festo Corporis Christi**

- (Rubrica) Sermo sancti Thome de Aquino de festo corporis Christi habitus in consistorio pleno. (Textus) Hodierne festiuitatis ac celebrationis patres reuerendissimi (karissimi *cod.*) memoria letabunda nos admonet ... (Finis) cuius uirtus et imperium sine fine permanet in secula seculorum. Amen. (Ed. Thomas Aquinas, *Opuscula omnia*, ed. P. Mandonnet (Parisiis 1927) 477-80. **Bibl.** J.B. Schneyer, *Repertorium der lateinischen Sermones des Mittelalters* (Münster i. W. 1969-) pt. 5, p. 580 no. 13.)
- fol. 35ra-95va **Guillelmus de Monte Lauduno, Sacramentale** (See Vat. lat. 1005 fol. 1ra-103vb for further information.) *Variants:*
 <Rubrica prima deest.> (Inscriptio) Noua *pro* Muro (Textus) etc. *pro* lumen ... Domine (Colophon) Explicit summa que uocatur sacramentale edita per uenerabilem uirum dominum Guillelmum de Monte Lauduno doctorem iuris canonici excellentissimum. Deo gratias.
- fol. 95va-98rb **Bonaguida de Aretio, <Tractatus de dispensationibus>** (See Vat. lat. 2661 fol. 95va-98rb for further information.) *Variants:*
 (Rubrica *marg.*) In quibus casibus possint episcopi dispensare. Rubrica. (Praefatio) *Aixdem* pro Aretio <Rubrica textus deest.> (Textus) enim *pro* episcopi; de *pro* que licet (Finis) enim hic libellus sit breuis ipsius cum potest dici. Ortus iste breuis dulcia poma gerit. *add. post finem.* (**Bibl.** Izbicki, 'Problems in TUI' 485)
- fol. 98va-99rb <**Johannes Andreae, Summa de sponsalibus et de matrimoniis**>, imperfecta (See Vat. lat. 1452 fol. 157ra-159ra for further information.) *Variants:*
 <Rubrica deest.> (Praefatio) reuerentiam *pro* reuerendissimi (Textus) ergo *pro* igitur,
 et *om.* (Finis) Cognatio legalis /// (Ed. Ed. cit. to fol. 3ra.)
- fol. 100r-103r **Petrus de Braco, Repudium ambitionis**
 (Rubrica) Repudium ambitionis contra miseros cardinalium seruitores. Rubrica. (Textus) Quid mihi et tibi ambitio ... (Finis) queritur regnum Dei extra de tempo. or. (et *cod.*) Ad aures (X 1.11.5). (Colophon) Explicit compendiosum (compendiolum *cod.*) repudii ambitionis contra miseros dominorum cardinalium seruitores compositum per dominum Petrum de Braco sacri palatii auditorem et domini pape capellanum. (Ed. N.P. Zacour, 'Petrus de Braco and his *Repudium ambitionis*', *Medieval Studies* 41 (1979) 1-29, using this MS: siglum V1.)

Bibl. A. Maier, 'Zu einigen Handschriften der päpstlichen Bibliothek von Avignon', AHP 2 (1964) 323-28 at 324-25.

The MS is in six different cursive hands in brown ink: fol. 1ra-30v; fol. 31r-32v; fol. 33r-34r fol. 35ra-98rb; fol. 98va-99rb; fol. 100-103r. Notes appear in the margins of the first and fourth sections. The first section begins with a red capital with violet decoration (fol. 1v) and ends with a note on Benedict XII followed by a notary's sign (fol. 30v). That section has red rubrics, capitals, and paragraph signs. The gatherings are of irregular construction, and there are no catchwords. For the watermarks, cf. Briquet nos. 796, 2364, and 75. The MS has a late 19th-century parchment binding. Fol. 34v, 99v, and 103v-104v are blank.

antea 1380. **Prov.** Gregorius XI.

104 fols. chart. 303 (218) x 225 (167) mm, origin South France (?), saec. XIV.

fol. 1ra-rb <**Tabula Constitutionis Summi magistri**>

fol. 1v-30v **Benedictus** <**XII, Const.**> *Summi magistri*

(**Ed.** *Bullarium Romanum* IV 347-87.)

fol. 31r-32v **Benedictus** <**XII, Const.**> *Dudum pro bono*

(**Ed.** *Ed. cit.* IV 462-67.)

fol. 33r **Thomas Aquinas O.P. (s.), Sermo de festo Corporis Christi**

(Rubrica) Sermo sancti Thome de Aquino de festo corporis Christi habitus in consistorio pleno. (Textus) Hodierne festiuitatis ac celebrationis patres reuerendissimi (karissimi *cod.*) memoria letabunda nos admonet ... (Finis) cuius uirtus et imperium sine fine permanet in secula seculorum. Amen. (**Ed.** Thomas Aquinas, *Opuscula omnia*, ed. P. Mandonnet (Parisiis 1927) 477-80. **Bibl.** J.B. Schneyer, *Repertorium der lateinischen Sermones des Mittelalters* (Münster i. W. 2001 CD-ROM) pt. 5, p. 580 no. 13.)

fol. 35ra-95va **Guillelmus de Monte Lauduno, Sacramentale** (See Vat. lat. 1005 fol. 1ra-103vb for further information.) *Variants:*

<Rubrica prima deest.> (Inscriptio) Noua *pro* Muro (Textus) etc. *pro* lumen ... Domine (Colophon) Explicit summa que uocatur sacramentale edita per uenerabilem uirum dominum Guillelmum de Monte Lauduno doctorem iuris canonici excellentissimum. Deo gratias.

fol. 95va-98rb **Bonaguida de Aretio, <Tractatus de dispensationibus>** (See Vat. lat. 2661 fol. 95va-98rb for further information.) *Variants:*

(Rubrica *marg.*) In quibus casibus possint episcopi dispensare. Rubrica. (Praefatio) aixdem *pro* Aretio <Rubrica textus deest.> (Textus) enim *pro* episcopi; de *pro* que licet (Finis) enim hic libellus sit breuius (? not checked) ipsius cum potest dici: Ortus iste breuis dulcia poma gerit. *add. post finem.* (**Bibl.** Izbicki, 'Problems in TUT' 485.).

fol. 98va-99rb <**Johannes Andreae, Summa de sponsalibus et de matrimoniis**>, imperfecta (See Vat. lat. 1452 fol. 157ra-159ra for further information.) *Variants:* <Rubrica deest.> (Praefatio) reuerentiam *pro* reuerentissimi (Textus) ergo *pro* igitur, et *om.* (Finis) cognatio legalis /// (**Ed.** *Ed. cit.* to fol. 3ra.)

fol. 100r-103r **Petrus de Braco, Repudium ambitionis**

(Rubrica) Repudium ambitionis contra miseros cardinalium seruitores. Rubrica. (Textus) Quid mihi et tibi ambitio ... (Finis) queritur regnum Dei extra de tempo. or. (et *cod.*) Ad aures (X 1.11.5). (Colophon) Explicit compendiosum (compendiolum *cod.*) repudii ambitionis contra miseros dominorum cardinalium seruitores compositum per dominum Petrum de Braco sacri palatii auditorem et domini pape capellanum. (**Ed.** N.P. Zacour, 'Petrus de Braco and his *Repudium ambitionis*', *Medieval Studies* 41 (1979) 1-29, using this MS: siglum V1.)

Bibl. A. Maier, 'Zu einigen Handschriften der päpstlichen Bibliothek von Avignon', AHP 2 (1964) 323-28 at 324-25.

The MS is in six different cursive hands in brown ink: fol. 1ra-30v; fol. 31r-32v; fol. 33r-34r; fol. 35ra-98rb; fol. 98va-99rb; fol. 100r-103r. Notes appear in the margins of the first and fourth ZZsections. The first section begins with a red capital with violet decoration (fol. 1v) and ends with a note on Benedict XII

followed by a notary's sign (fol. 30v). That section has red rubrics, capitals, and paragraph signs. The gatherings are of irregular construction, and there are no catchwords. For the watermarks, cf. Briquet nos. 796, 2364, and 75. The MS has a late 19th-century parchment binding. Fol. 34v, 99v, and 103v-104v are blank.

Vat. lat. 3992

saec. XVI (c. 1503)

Scr. Franciscus de Gomiel.

22 fols. chart. 261 (148) x 182 (97) mm, origin Italy (Rome?). Quaterniones, saec. XVI (c. 1503).

fol. 1r-8v **Alexander VI, <Const.> *Cum ad sacrosanctae***

(Rubrica) [Incipit bulla edita et concessa per reuerendissimum dominum nostrum (papam *add. al. man.*) Alexandrum papam vi. scriptoribus breuium apostolicorum super institutione eorum offitii.] (*al. man. super lin.*) Bulla Alexandri pape sexti creationis officii breuium apostolicorum. (Inscriptio) Alexander episcopus seruus (seuus^{ac}) seruorum Dei ad perpetuam rei memoriam. (Textus) Cum ad sacrosancte Romane ecclesie sinum uelut matris ubera referta dulcedine ... (fol. 7v) (Finis) Lucas de Monteferrara. Nulli ergo ... Si quis autem ... Datum Rome apud sanctum Petrum anno incarnationis Dominice millesimo quingentesimo tercio kl. aprilis pontificatus nostri anno undecimo. (Colophon) *F<ranciscus> de Gomiel.* (fol. 7v-8r) <Subscriptiones papae et cardinalium>.

fol. 8v-9r <**Biblia sacra**, excerpta> (Jo. 1:1-3; Lc. 11:27-28; Mt. 20:17-18; Mc. 8:1-2)

fol. 9v-18v **Constitutiones et statuta collegii scriptorum breuium apostolicorum**

(Rubrica) Sequuntur constitutiones et statuta collegii dominorum scriptorum breuium apostolicorum. [Et primo quoad capellanum quod capellanus ter in ebdomada missas dicere teneatur.] (*marg. al. man.*) De capellano deligendo et eius officio. (Textus) In primis siquidem secundum euangelicam doctrinam et humane nature rationem illud hominum cordibus insitum (insignatum^{ac}) esse debeat ... (fol. 18r) (Finis) Sic me Deus adiuuet et sancta Dei euangelia. (Colophon) [Die xxviii mensis maii M^o D iii^o propositae et approbate ac iurate fuerunt omnes et singule suprascriptae constitutiones per omnes et singulos scriptores (fol. 18v) breuium apostolicorum qui interfuerunt in illa congregatione collegialiter (collegiater^{ac}) conuocati in ecclesia sancte Lucie de Vrbe in contrata cancellarie apostolice quorum omnium et singulorum nomina et cognomina qui interfuerunt in dicta congregatione annotata fuerunt per capellanum dicti collegii scriptorum breuium etc.].

fol. 18v-20r <**Forma iuramenti novi scriptoris breuium apostolicorum**>

(This form, cancelled at fol. 17v of the original set of constitutions described above, has been repeated six times in another hand. All of these copies, along with the colophon of the constitutions, have been cancelled.)

The MS is in two humanistic cursive bookhands in brown ink: fol. 1r-18v; fol. 18v-20r. The texts have been corrected with cancellations and with additions in the margins. Rubrics and capitals are red. A cross has been drawn at fol. 9r; other probationes pennae appear on fol. 22v. For the watermarks, cf. Briquet no. 6035. The MS has a 19th-century cloth and leather binding. Fol. 20v-22r are blank.

Vat. lat. 3994

saec. XV

Prov. Eugenius IV (1431-47); Niccolò Albergati, O. Carth., card. 1426-43.
90 fols. memb. 218 (140) x 145 (83) mm, origin Italy (Rome?). Quiniones, saec. XV.
fol. 1r-9v **Benedictus XII, Const. In agro dominico**

(Rubrica) Formulare penitentiariorum editum in Avinione ex ordinatione sanctissimi domini nostri domini Benedicti divina providentia pape XII sexto idus aprilis pontificatus eiusdem anno quarto why do you drop the rubric here, giving it instead below fol. 82v-83v ? (See Vat. lat. 2663 fol. 7r-11v for further information.)

fol 9v-18v **Taxationes litterarum poenitentiariae**

(Rubrica) Sequuntur taxationes litterarum per commissarios cardinales facte.

(Inscriptio) Miseratione diuina Petrus Penestrinus et Gaucelmus Albanensis episcopi ad perpetuam rei memoriam. (Praefatio) Radix omnium malorum cupiditas ... (Rubrica textus) Taxationes litterarum. (Textus) In primis statuimus et etiam ordinamus quod pro littera ... (Finis) pro beneficiato cum irregularitate non ultra quam quinque Turon. (**Bibl.** See Vat. lat. 2663 fol. 11v-16r.)

fol. 18v-19r **Benedictus XII, Privilegia et stipendia poenitentiariorum**

(Rubrica) Sequuntur priuilegia necnon et stipendia spiritualia pariterque temporalia penitentiariis concessa per prefatum dominum sanctissimum Benedictum papam xii^m. (Textus) Primo sunt ipsi penitentarii summo pontifici et nulli alteri ... (Finis) sicut presbiteri cardinales et sunt quodammodo prelati totius mundi. (**Ed.** Göller, *Die päpstliche Pönitentiarie* I.2 pp. 177-78, using this MS: siglum D.)

fol. 19r-23v <**De observantiis poenitentiariorum**>

(Rubrica) Capitulum. Hic sequuntur ordinationes facte per penitentarios ad bonum regimen eorumdem. (Praefatio) Cum iusto non sit lex imposita, nos penitentarii nouam (*leg. non*) legem statuentes ... (fol. 19v) (Rubrica) Primum capitulum. (Textus) Primum est ut in factis nostris uniformis regularitas obseruetur ... (Finis) resurrectionis incipiendo agnos Dei benedictos de manu domini pape (**Bibl.** A. Lang, 'Beiträge zur Geschichte der apostolischen Pönitentiarie im 13. und 14. Jahrhundert'. *MIÖG* 7 (1904, suppl.) 20-43 at 33-36; S. Kuttner, 'Retractiones XII', *Medieval councils, decretals, and collections of canon law* (London 1980) 13-16 at 14, first note to p. 42, citing another copy of this work in BL MS Harley 3603 fol. 120r-123v. The corrected reading of the *praefatio* comes from Kuttner's transcription of this copy.)

fol. 23v-25r <**Feriae poenitentiariae**> (See Vat. lat. 2663 fol. 20va-21rb for further information.)

fol. 25r-31v <**Summa de absolutionibus et dispensationibus** sive Summa Nicolai IV, cum additionibus> (See Vat. lat. 2663 fol. 34r-38v for further information.)

Variants:

Rubrica marg. and Rubrica secunda of 2663 are missing. (Rubrica) de absolutione et dispensatione per penitentarios. (Rubrica) Sequitur potestas poenitentiariorum. (Rubrica *marg.*) Nicolaus iiii. (Praefatio) Millesimo CCC uicesimo *pro* Millesimo CC nonagesimo (Rubrica textus) De absolutione et dispensatione per penitentarios.

fol. 31v-32v <**Gaucelmus Johannis Deuza, Supplicatio ad Clementem VI, cum**

rescripto papae> (See Vat. lat. 2663 fol. 38v-39v for further information.)

Variants:

(Rubrica) Casus sequentes concessit dominus Clemens papa [cl] sextus. Nota quod dominus Clemens papa vi concessit casus infrascriptos domino Gaucelino episcopo Albanensi maiori penitentiario. (Rubrica responsionis rescripti 2663! check) Sequuntur uerba domini nostri pape de manu sua scripta. Et concessionis eiusdem super predictis casibus. Et sunt ista.

fol. 32v-34r **Forma ad reconciliandum apostatam a fide**

(Rubrica) Sequitur forma ad reconciliandum apostatam a fide. Examinatio.

(Textus) Credis duodecim articulos fidei quos composuerunt apostoli. Respondit: Credo. (Rubrica) Petrus. ... (Finis) Vt in nomine domini Ihesu Christi signo crucis signetur in uitam eternam. Amen. (The name of one of the twelve apostles is written IN RED? beside each clause of the examination which begins the text.)

fol. 34r-v <**Innocentius IV, Const. Perlectis litteris**>

(Rubrica) Sequitur quid est percussio leuis uel grauiss. (Textus) Perlectis litteris uestris (nostris *cod.*) circa absolutionem excommunicatorum uos dubitare ...

(Finis) sepe uideatur in opere nec sit multotiens ueritas manifesta (**Bibl.** Kessler, *Untersuchungen* I pp. 84-85)

fol. 34v-39v <**Casus pertinentes ad officium poenitentiariae**>

(Rubrica) Sequitur de casibus reseruatis. (Textus) Impositio sollempnis penitencie absolutio excommunicatorum a canone. Dispensatio ... (Finis) symoniacus non est prohibendus a celebratione misse extra e. <Ex> tue (X 5.3.20).

fol. 39v-40r <**Nota de iniuria**>

Nota quod leuis iniuria est si aliquid ponat ... (Finis) et eciam pecunia auctoritate iudicis habetur. i. q. 3. ea que (C.1 q.3 c.5) in glosa. (This note frequently precedes or follows *Perlectis litteris*.) not a separate item in MS!

fol. 40r-v <Incertus auctor, **De poenitentibus mittendis ad curiam Romanam**>

(Rubrica) Sequitur de hiis qui sunt mittendi ad Romanam curiam et pro quibus casibus. Versus siue casus. (Textus) Hereticus fautor nolens parere romane ...

(Finis) si sibi conseruet id in ipsis factor eorum.

fol. 40v-43r <**Declaratio predictorum versuum**>

(Rubrica) Declaratio predictorum uersuum. (Lemma primum) *Hereticus*: de [hoc] hoc habetur extra, de hereticis Ad abolendam et c. Excommunicamus cum similibus (X 5.7.9 et 13) ... (Finis) si sibi conseruet id in ipsis factor eorum ut de sententia excommunicationis nuper. B. Fredoli (**Bibl.** Göller, *Die päpstliche Pönitentiarie* I.1 pp. 66, 72.)

fol. 43r-49r <**Bonaguida de Aretio, Tractatus**> **de dispensationibus**, forma breuor

(See Vat lat. 2661 fol. 10va-11vb for further information.) *Variants:*

(Rubrica) Sequitur de potestate abbatis. (Textus) Dispensant (Dispensent *cod.*) abbates cum religionem ingresso ut ad ordines in monasterio et ecclesiis ... (Finis) dicitur uersu: Ortulus iste breuis dulcia poma gerit. (Colophon) Explicit summa de dispensationibus ualde utilis unicuique eam attente legenti. (**Ed.** TUI 14.173r-174v; the text begins with § 32 and omits the last paragraph of the edition. **Bibl.** Izbicki, 'Problems in TUI' 485, listing this MS.)

fol. 49r-64v **Berengarius Fredoli, <De excommunicatione et interdicto>**, imperfectus

(Rubrica) Hic sequuntur casus in quibus quis incurrit sententiam

- excommunicationis. (Inscriptio) Berengarius miseratione diuina episcopus Biturensis (*sic*) uenerabilibus in Christo fratribus abbatibus ... in ciuitate et diocesi Biturensi (*sic*). (fol. 49v) (Praefatio) Quoniam excommunicatos non uitare tam communicantibus quam excommunicatis ... per cunctas parochiales nostre dyocesis ecclesias publicentur. (fol. 50r) (Textus) Casus igitur totius iuris in quibus quis est ipso facto (iure *ed.*) excommunicatus sunt isti ... (Finis) et c. Is qui et c. Is cui (Sext. 5.11.18,20) (cum similibus aliis multis *om. cod.*). (**Ed.** and **Bibl.** E. Vernay, *Le 'Liber de excommunicatione' du Cardinal Bérenger Frédol* (Paris 1912) 24-53, citing this MS at lxxviii and lxxxvi. The final section of the text in the edition (pp. 53-58), on denunciation, is lacking. **Bibl.** P. Viollet, 'Bérenger Frédol, canoniste: sa vie, ses écrits'. HLF 36 (1914) 62-178 at 145-51.)
- fol. 64v-67r <**Berengarius Fredoli, De exceptionibus duarum regularum circa iniunctionem manuum in clericum**>
(Rubrica) Sequitur de exceptionibus duarum regularum hic sequentium ZZ super illo canone xvii q. iiii, Si quis suadente (C.17 q.4. c.29) consueuerunt regule due tradi ... (Finis) sed hodie idem est in omnibus religionibus quod dic ut notatur infra, eodem (eo *ed.*) § Quis possit ab hac sententia, sub § Si quis absoluet, uersiculis primo et secundo. (**Ed.** and **Bibl.** Vernay, *'Liber de excommunicatione'* 113-18 (app. V), from this MS; cf. lxxxvi.)
- fol. 67r-70v <**Casus in quibus fertur sententia excommunicationis, interdicti vel aliarum censurarum secundum constitutiones Clementinas**>
(Rubrica) Incipiunt casus nouarum constitutionum editarum in concilio Viennensi sub domino Clemente V° ac quedam edite a domino Iohanne XXII ... secundum dictarum constitutionum ordinem collocantur. (Praefatio) Licet casus sententiarum excommunicationis suspensionis interdicti et inhabilitatis ... et citius cognoscantur. (Textus) Primus casus est quod impediens sequestum factum per ordinarium post unam sententiam diffinitiuam datam ... (Finis) eisdem essent excusati a predicta constitutione Omnis excommunicatus sicut et precedens. Hec duo habentur in constitutione extrauagante (*sic*) domini Iohannis predicti que incipit Vas electionis (Extrav. comm. 5.3.2). (Colophon) Expliciunt casus penitenciarum nouarum constitutionum domini Clementis pape quinti. Deo gracias. Amen. (**Ed.** and **Bibl.** Vernay, *'Liber de excommunicatione'* lxxxiii and 60-67 using this MS: siglum A.)
- fol. 70v <**De potestate poenitentiae ab episcopo commissa**>
(Rubrica) Sequitur ad quantum ualet potestas illa quando episcopus alicui committit uices suas ad poenitentias iniungendas. (Textus) Nota quod secundum R. et secundum Eb'rum (*sic*), episcopo committente alicui uices suas scilicet ... (Finis) Episcopus uero et uicarius ab archiepiscopo relictus uel substitutus in omnibus utitur auctoritate episcopi.
- fol. 70v-76v <**Casus in quibus sententia vel poena incurritur ipso facto secundum constitutiones Clementinas**>
(Rubrica) Hic sequuntur casus qui continentur in constitutionibus Clementis pape quinti ut caueatur, in quibus excommunicationis sententia aut suspensionis ... (fol. 71r) (Textus) Declaratur esse rectus ordo quem beatus Iohannes euangelista tenuit enarrando ... (Finis) qui auctoritate apostolica fungantur in hac parte absolutionis beneficium nequeant obtinere. (**Ed.** Vernay, *'Liber de excommunicatione'* lxxxiii,

- 67-75, using this MS: siglum A.)
- fol. 76v-78v <**Summaria titulorum in Constitutiones Clementinas**>
 (Rubrica) Cuius etatis sit quando quis in sacris ordinatur. (Textus) Subdyaconus xviii. dyaconus xx^{ti} presbyter xxv annos ... (Lemma ultimum) *Ex debito* (Extra. comm. 1.3.4):. ... (Finis) in curia Romana quocumque titulo ibi fuerint. (This text consists of short summaries of Clem. 1.6.3, 1.9.2(?), items in books 3-5 of the Clementines, Extra. Jo. XXII 3.1, and Extra. comm. 1.3.4.)
- fol. 78v-79r <Incertus auctor, **De exceptionibus duarum regularum**>
 Nota quod due (*sic*) sunt regule circa iniunctionem manuum ... (Finis) xvii^{us} in hiis qui clericis non enormem sed leuem iniuriam irrogauerint.
- fol. 79r-81r **Regulae poenitentiariae**, imperfectae
 (Rubrica) Hic sequuntur multe regule penitentie que bene sunt notande.
 (Textus) Nota quod si excommunicatus suspensus uel interdictus scienter receperit ordines ... (Finis) et ita sunt correcte omnes forme formularii. (**Ed.** Göller, *Die päpstliche Pönitentiarie* I.2 pp. 48-52, §§ 3-24, using this MS: siglum D.)
- fol. 81r-v <**Nota de privilegiis poenitentiariorum minorum, saec. xiv**>
 (Textus) Item est notandum et memorie commendandum quod anno domini millesimo ccc^o septuagesimo quarto ... reuerendissimus pater Iohannes Dei gratia tituli sanctorum Nerei et Achilei presbiter cardinalis ... ordinauit et confirmauit ... (Finis) quod primus incipiens continet usque in finem illius solempnitatis. (**Ed.** Göller, *Die päpstliche Pönitentiarie* I.2 pp. 178-79, using this MS: siglum D.)
- fol. 81v-82v <**Excommunicationes papae reservatae**>
 (Rubrica) Iste sunt excommunicationes quas facit [papa] dominus papa in septimana sancta. (Textus) Excommunicamus et anathematizamus ex parte Dei omnipotentis Patris et Filii et Spiritus sancti ... (Finis) dumtaxat Romanus pontifex absolueret ualeat preter quam in mortis articulo[s] constitutos.
- fol. 82v-83v **Clemens <V>, Const. Ne Romani** (Clem. 1.2.3)
 (In this MS and other formularies of the Penitenzieria, this constitution is preceded by the rubric: 'Sequitur immediate copia textus cuiusdam Clementini (*sic*) in qua inter alia expresse cauetur quod officium domini maioris poenitentiarii ac etiam aliorum dominorum poenitentiariorum nullo modo per obitum summi pontificis expirat sed potius semper remaneat in suo esse'.)
- fol. 83v-85r **Eugenius IV, Const. Ad sacram Petri sedem** (16 oct. 1435)
 (Rubrica) Sequitur institutio poenitentiariorum sub certo numero per dominum Eugenium quartum et de priuilegiis immunitatibus exemptionibus per eundem dominum papam eisdem poenitentiariis concessis. (Inscriptio) Eugenius episcopus ... ad perpetuam rei memoriam. (Textus) Ad sacram Petri sedem diuina dispositione uocati ... (Finis) et ibi pernoctare sub pena predicta. Nulli ergo ... Si quis ... Datum Florentie anno incarnationis Dominice millesimo quadringentesimo tricesimo quinto, xvii kal. nouembris, pontificatus nostri anno quinto. (**Ed.** Göller, *Die päpstliche Pönitentiarie* I.2 pp. 122-24, using this MS: siglum D.)
- fol. 85r-87r <**Jordanus de Ursinis, Ordinationes super receptione poenitentiariorum**>
 (Rubrica) Sequitur statutum et ordinatio R. domini super receptione et examinatione minorum poenitentiariorum. (Inuocatio) In nomine Domini. Amen.

- (Textus) Die quinta decima mensis octobris ... (Finis in red) Et sic factus est de numero penitentiariorum undecim. (Colophon) Deo gratias. (**Ed.** Göller, *Die päpstliche Pönitentiarie* I.2 pp. 125-27, using this MS: siglum D.)
- fol. 87r-v **Eugenius IV, Const. Devotionis vestre sinceritas** (16 oct. 1435)
 (Rubrica) Hic sequuntur bulle emolumentorum assignatorum penitentiariis per sanctissimum dominum nostrum Eugenium papam quartum. (Inscriptio) Eugenius episcopus ... salutem et apostolicam benedictionem. (Textus) Deuotionis uestre sinceritas promeretur ... (Finis) in contrarium editis non obstantibus quibuscumque. Nulli ergo ... Datum Florentie anno incarnationis Dominice millesimo quadringentesimo tricesimo quinto, xvii kal. nou. pontificatus nostri anno quinto. (**Ed.** Göller, *Die päpstliche Pönitentiarie* I.2 pp. 127-28, using this MS: siglum D.)
- fol. 87v-88v **Eugenius IV, Const. Prudens paterfamilias** (14 jun. 1438)
 (Rubrica) Sequitur bulla secunde gracie eisdem minoribus penitentiariis facta per dominum nostrum Eugenium quartum. (Inscriptio) Eugenius episcopus ... ad perpetuam rei memoriam. (Textus) Prudens paterfamilias per semitam mandatorum Domini ... (Finis) ordinationibus apostolicis ceterisque contrariis quibuscumque. Nulli ergo ... Si quis ... Datum Ferrarie anno incarnationis Dominice millesimo quadringentesimo tricesimo quinto (xviii om. cod.) kal. iulii pontificatus nostri anno octauo. (**Ed.** Göller, *Die päpstliche Pönitentiarie* I.2 pp. 129-30, using this MS: siglum D.)
- fol. 89r-90r <**Forma bullarum receptionis poenitentiariorum**>
 (Rubrica) Sequitur forma bullarum receptionis et acceptationis atque iuramenti penitentiariorum domini pape. (Inscriptio) Eugenius episcopus seruus seruorum Dei dilecto filio N. uel R^o. ordinis fratrum eremitarum sancti Augustini ... salutem et apostolicam benedictionem. (Textus) Religionis ZZ caetus litterarum scientia ... (Finis) at hec sancta Dei euangelia. Nulli ergo ... Si quis ... Datum etc. anno incarnationis Dominice millesimo quadringentesimo tricesimo octauo pridie idus octobris, pontificatus nostri anno octauo. (The example uses the name and dating clause of Eugenius IV.)
- fol. 90r-v **Forma litterae quae conceditur poenitentario minori**
 (Rubrica) Sequitur forma littere que conceditur per maiorem penitentiarium minori penitentario post iuramentum. (Inscriptio) Iordanus miseratione diuina episcopus Sabinensis ... minoribus penitentiariis salutem in Domino. (Textus) Cum pridem religiosus uir ... (Finis) in penitentiaria consueti iussimus impressione communiri. Datum Rome in domibus nostre residence sub anno a natiuitate Domini millesimo quadringentesimo tricesimo quarto ... die sabbati tercia decima mensis februarii pontificatus domini nostri domini Eugenii pape quarti anno tercio. (Colophon) Deo gracias. Finis adoptatus. Scriptoribus est bene gratus. (**Ed.** Göller, *Die päpstliche Pönitentiarie* I.2 pp. 115-16, using this MS: siglum D. The example is in the name of cardinal-penitentiary Giordano Orsini, †1438.)

Bibl. Göller, *Die päpstliche Pönitentiarie* I.1 pp. 71-72 (siglum D); Haskins, 'Papal penitentiary' passim, E. Carusi, review of Göller in *Archivio storico italiano* 72 (1914) 96-102 at 97; F. Tamburini, 'Per la storia dei cardinali penitenzieri maggiori e

dell'archivio della penitenzieria apostolica: il trattato 'De antiquitate cardinalis poenitentiarii maioris' di G.B. Coccino (†1641)', RSCI 36 (1982) 332-80 passim. This much-used, unofficial collection of materials probably for minor penitentiaries seems to have developed independently of the formulary of Walter of Strassburg, cf. Göller, *Die päpstliche Pönitentiarie* I.1 p. 47.

ZZ (leerzeile?) The MS is written in dark gray ink in a single 15th century bookhand. An illuminated initial 'B' in gold, red, blue, and yellow with rayed gold disks on fol. 1r contains the arms of Eugenius IV and Cardinal Niccolò Albergati, who was papal penitentiary from 1438 to 1443. Other initials, rubrics, and paragraph signs are red. On fol. 90v is another depiction of Albergati's arms, preceded by the ex libris in red 'Istud formulare pertinet Reuerendissimo in Christo patri et domino domino Cardinali Sancte (Crucis)' On fol. 1r is the shelfmark '3994'. Catchwords appear at the lower right. The MS has a 19th-century leather and cloth binding.

Vat. lat. 4000

saec. XVex.

Prov. Barbo family.

235 fols. - (4-10 missing....) chart. (memb.: fol. 3) 432 (276) x 285 (177) mm, origin Italy (Rome?). Quinionones, saec. XVex.

fol. 1ra-2va <Tabula operum> Incipit tabula sequentis operis

fol. 11ra-12ra, 28vb-30ra, 30vb-31vb, 34vb-56vb, 62rb-74vb [passim], 74vb-85va,

119rb-169ra, 170ra-rb, 175vb-201va, 202rb-235ra <**Auctores varii, Opera polemica**>:

Antonius de Butrio, Consilium de schismate, imperfectum (fol. 209va-211rb [**Ed.** Paulus Castrensis, *Consilia* I fol. 214ra-215ra to 214vb]); Antonius Luschus, De modo tenendi per concilium, ad Petrum de Candia (fol. 30vb-31vb); Pseudo-Bonifacius VIII, Professio fidei cum glossa (fol. 11ra-rb [**Ed.** Finke, *Acta concilii Constanciensis* II 616-18 and 682-88. **Bibl.** J. Lulvès, 'Die Entstehung der angeblichen Professio fidei Papst Bonifaz' VIII.', *MIÖG* 31 (1910) 375-91]); Bononiensis Universitas, Conclusiones de schismate, imperfectae (fol. 224va-225ra, 226ra-rb [**Bibl.** Miethke, 'Schriften des Juan González' 309 n.! check], *rep. perfectius* fol. 234ra-235ra); Henricus de Langenstein, Epistola pacis (fol. 145vb-158vb [**Ed.** *Johannis Gersonis Opera*, ed. Ellies du Pin, 5 vols. (Antwerpiae 1706) II 809-40; **Bibl.** T. Hohmann, 'Initienregister der Werke Heinrichs von Langenstein', *Traditio* 32 (1976) 399-426 at 419 no. 231]) cum tabula (fol. 159ra-rb); Johannes de Capitaneis, ab. Montis Oliveti, Epistola ad Gregorium XII (fol. 74vb-85va [Milan, 29 iun. 1408]); Johannes Dominici O.P., Abusiones (fol. 34vb-36rb [**Ed.** Vincke, *Schriftstücke* 40-54 no. 6, using this MS], fol. 36rb-37va [**Ed.** Vincke, *Schriftstücke* 75-85 no. 13, using this MS], Epistola Michaelis archangeli, answer to the fictitious letter listed below as 'Epistola Salani' (fol. 176rb-177ra); Johannes de Imola, Tractatus de schismate (fol. 215vb-223ra [**Ed.** D. Staffa, 'Tractatus Iohannis ab Imola super schismate occidentis', RSCI 7 (1953) 181-224 at 190-224]; Johannes Gundisalvi, Responsiones super quatuor quaestionibus propositis ab archiepiscopo Hispalensi circa papam et concilium (fol. 188va-201va [**Bibl.** Miethke 'Schriften des Juan González' 275-324 at 283-87]); Jordanus de Ursinis, Glossae in Abusiones Johannis Dominici (fol. 37va-40vb [**Ed.** Vincke, *Schriftstücke* 41-55 no. 7, using this MS], fol. 40vb-43vb [**Ed.** Vincke, *Schriftstücke* 77-88 no. 14, using this MS]); Matthaeus de Mathesillanis, Consilium de schismate cum subscriptione Johannis de Cannetulo (fol. 208rb-

209va [Ed. Paulus Castrensis, *Consilia* I fol. 215ra-va]), Nicolaus de Bettona O.F.M., Tractatus de schismate (fol. 132rb- 140rb [Bibl. Vincke, 'Magister Theologiae' 178-206]); Nicolaus de Fakenham O.F.M., Determinatio de schismate (fol. 119rb-132rb [Ed. F. Bliemetzrieder, 'Traktat des Minoritenprovinzials von England fr. Nikolaus de Fakenham (1395) über das grosse Abendländische Schisma', *Archivum Franciscanum Historicum* 1 (1908) 577- 600, 2 (1909) 79-91, using this MS: siglum V2]); Parisiensis Universitas, Conclusiones contra Petrum de Luna (fol. 170ra-rb [Ed. Baronius, *Annales* an. 1408 § 40 (ed. Theiner 27.213)]); Paulus de Castro, Consilium de schismate (fol. 205va-207ra [Ed. Vincke, *Schriftstücke* 29-30 no. 2, using this MS]; Paulus Castrensis, *Consilia* I fol. 213rb- 214ra]); Petrus de Alliaco et Johannes Gerson, Epistola ad Gregorium XII (fol. 28vb-29ra [Genoa 1407, 5 sept.; Ed. and Bibl. Jean Gerson, *Oeuvres complètes* II xvi no. 22 and 84-86 no. 22.1]); Petrus de Alliaco, Decem considerationes circa concordatum Massiliae (fol. 29ra-30ra [Bibl. Glorieux, 'L'oeuvre d'Ailly' 78 at 73]), Epistola Satani ad Johannem Dominici (fol. 175vb-176rb [Ed. C.G.F. Walch, *Monumenta Medii Aevi*, 2 vols. (Göttingen 1757-64; anast. repr. Ridgewood, N.J. 1966) I 253-60]); Petrus de Ancharano, Consilium de schismate (fol. 202rb-205ra [Ed. Petrus de Ancharano, *Consilia* fol. 24vb-25rb]); Robertus de Francola, Tractatus de schismate (fol. 177ra- 188va [Ed. Martène et Durand, *Thesaurus* II 1428-32, c. 1 only]); Glossae in Abusiones Johannis Dominici (fol. 43vb- 51va [Ed. Vincke, *Schriftstücke* 55-69 no. 8, using this MS], fol. 51va-56vb [Ed. Vincke, *Schriftstücke* 88-104 no. 15, using this MS]; Glossae in Epistolam Dominus et Salvator (fol. 63ra-65rb, 65va-67ra, 67va-68rb, 68vb-71va, 72ra-73ra, 73va- 74vb); Somnium Pantasii Lesicani (fol. 140rb-145vb); Quaestio super opinione Johannis Dominici (fol. 159rb-169rb); Consilia de schismate (fol. 205ra-va [Ed. Vincke, *Schriftstücke* 32-34 no. 4, using this MS], fol. 207ra-208rb [Ed. Vincke; *Schriftstücke* 34-39 no. 5, using this MS], fol. 211vb-215rb, 224rb-va, 228rb-230ra, 230ra- 234ra); Considerationes de schismate (fol. 211rb-vb [Ed. Vincke, *Schriftstücke* 134-41 no. 22, using this MS]); Conclusiones de schismate (fol. 215rb-vb); Tractatus de schismate, imperfectus (fol. 223rb-224rb); Tractatus de schismate (fol. 226rb-228rb).

fol. 12ra-28vb, 30ra-vb, 31vb-34vb, 56vb-58ra, 59ra-62rb, 62rb-74vb [passim], 85va-96ra, 174va-175vb <Auctores varii, Acta de schismate>: Antonius de Cajetanis, Epistola ad Carolum Malatesta (fol. 94vb-95rb [Pisa, 26 ZZ novem. 1408; Ed. D. Girgensohn, 'Kardinal Antonio Caetani und Gregor XII. in den Jahren 1406-1408: vom Papstmacher zum Papstgegner', QF 64 (1984) 116-226 at 221-26, using this MS: siglum F²]); Benedictus XIII, Epistolae (fol. 12ra-13ra [20 iun. 1395], fol. 13rb [28 iun.], fol. 13rb-va, 13va-14ra, 21ra-vb [Ed. Mansi 26.1014-16], fol. 31vb-34va [Portovenere, 15 iun.; Ed. Mansi 26.1103-09], fol. 34va-vb [10 iul.; Ed. Mansi 26.1110-11], fol. 95rb-96ra [Ed. Mansi 26.1119-22]); Bononienses doctores, Epistola (fol. 89vb-90va); Carolus VI rex Francorum, Epistolae (fol. 16ra-vb [Paris, 12 ian. 1407], fol. 16vb-17ra [Paris, 12 ian. 1407], fol. 17ra-va [Paris, 12 ian.]; Requesta regis Francorum et ducum (fol. 12ra); Collegium Avinionense cardinalium, Epistolae (fol. 25vb-26ra [Villeneuve d'Avignon, 16 iul.], fol. 57vb-58ra, 59ra-61va [1408; Ed. Mansi 26.1161-63], fol. 87rb-88va, 89ra-vb [Pisa, 24 sept. 1408, Ed. Mansi 26.1175-79]); Capitula in conclavi post

- mortem Clementis VII (fol. 11vb-12ra [**Ed.** Souchon, *Papstwahlen* I 298-99]; Collegium Romanum cardinalium, Capitula in conclavi post mortem Bonifacii IX (fol. 14ra-vb [**Ed.** Souchon, *Papstwahlen* I 280-84]); Capitula in conclavi post mortem Innocentii VII (fol. 14vb-15va [**Ed.** Souchon, *Papstwahlen* I 287-92]); Collegium (unitum) ? cardinalium, Epistolae (fol. 56vb-57vb, 61va-62rb, 62rb-63ra, 65rb-va, 67ra-va, 68rb-vb, 71va-72ra, 73ra-va [**Ed.** Mansi 27.50-56], 85va-87rb [Siena, 1 aug.]; Responsiones ad oratores Venetorum et Florentinorum (fol. 90va-92ra [**Ed.** Martène et Durand, *Thesaurus* II 1411-19], fol. 92vb-94vb); Responsio ad rationes Gregorii XII (fol. 92ra-vb [5 oct. 1408]), Declaratio marchionis Montis Ferrati (fol. 169ra-170ra); Gregorius XII, Epistolae (fol. 15va-16ra [**Ed.** Mansi 26.1013-14], fol. 26ra-rb [**Ed.** Martène et Durand, *Veterum scriptorum ... collectio* 754-55]; Refutatio concordati Massiliae (fol. 26rb-28vb); Commune Ianuae Instrumenta diplomatica de concordato Massiliae (fol. 21vb-25va [**Ed.** Baronius, *Annales* an. 1407 §4 (ed. Theiner 27.164-66, partial edition)]); Oratores Avinionenses, Oblatio (fol. 30ra-vb [**Ed.** Vincke, *Schriftstücke* 70-72 no. 10, using this MS]); Advisamentum concilio Parisiensi, imperfectum (fol. 17va-21ra [**Ed.** Martène and Durand, *Thesaurus* II 1398-1407 the MS lacking the last paragraph]); Requestae factae Carolo VI regi Francorum (fol. 170rb).
- fol. 96ra-107rb <**Concilium Pisanum (1409), Acta contra Gregorium XII et Benedictum XIII**>
 (Invocatio) Christi nomine inuocato. (fol. 96rb) (Rubrica) Sententia lata contra Benedictum et Gregorium per concilium Pisanum. (Textus primus) Sancta et uniuersalis sinodus uniuersalem ecclesiam representans et ad quam cognitio et decisio huius cause noscitur pertinere ... (fol. 96vb) <Subscriptiones> ... (fol. 104rb) (Rubrica) Processus per deputatos a concilio Pisano ZZ decretur contra Benedictum et Gregorium. (Inscriptio) Vniuersis et singulis christifidelibus ... (fol. 104va) (Textus secundus) Litteras reuerendissimorum in Christo patrum et dominorum sacri Romane ecclesie collegii auctoritate dicte sacre synodi uniuersalem ecclesiam representantis emanatas nos recepisse noueritis ... (fol. 107ra) (Finis) ad premissa uocatis specialiter et rogatis. (fol. 107ra-rb) <Subscriptiones>. (**Ed.** Mansi 26.1146D-1148C or 27.402-04 for fol. 96ra-vb.)
- fol. 107rb-112vb <Incertus auctor>, **Sermo in concilio Pisano**
 (Rubrica) Sermo habitus in concilio Pysano. (Textus) *Domine si in tempore hoc restitues regnum Israhel* (Act. 1.6). Saluator noster dominus Ihesus post regulas fidei euangelica dignitate promulgatas ... (Finis) profectum robur fidei pacem et exultacionem populi christiani. quod nobis concedat.
- fol. 112vb-119rb **Johannes Luke, Sermo in concilio Pisano**
 (Rubrica) Alius sermo habitus in eodem. (Textus) *Fiat pax in virtute tua* (Ps. 121.7). Superne dispositio maiestatis que orbem terrarum celesti consilio moderatur ... (Finis) et pacem ipse nobis concedat qui sine fine uiuit et regnat. ZZ (Colophon) Amen. Iohannes Luck Anglicus. (**Bibl.** A.B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500*, 3 vols. (Oxford 1958) II 1175-76; M. Harvey, 'A sermon by John Luke on the ending of the Great Schism, 1409', *Studies in Church History* 9 (1972) 159-69.)
- fol. 170va-173ra <Incertus auctor, **Nomina participantium in concilio Constantiensi**>

- fol. 173rb-174ra <Incertus auctor, **Epistola consolatoria de morte magistri Marsilii**>
Iamdudum anxius Vgo mi magister clarissime ob absentiam tuarum litterarum et
diurnam exspectacionem ... (Finis) tu desine flere et Danielelem solue.
- fol. 174ra-va <Incertus auctor, **Tractatulus de gratiarum actione**>
(Rubrica) Gratiarum actio in aliqua parte generalis. (Textus) Expectetis ut ueniam
ad gratiarum actiones ... (Finis) in me quidquidlibet mandate atque obtemperabo.
- fol. 174va-175vb **Johannes de Cascina <O.P., Sermo de gratiarum actione>**
(Rubrica) Sermo magistri Io. de Cascina Luce in sancto Romano facto capitulo
die sancti Iacobi 1402 25 iulii. (Textus) Vt digne graciaram actiones referantur
pro presenti capitulo ad excitandas mentes ... (Finis) quam nobis concedat ipse
Deus qui uiuit et regnat in secula. Amen.
- fol. 201va-202rb <Incertus auctor>, **Genealogia ducis Mediolani**
(Rubrica) Incipit genealogia ducis Mediolani aut prohemium missalis. (Textus)
Magnificauit Dominus misericordiam suam ex fortitudine magnificentia oritur ...
(Finis) et filii Iohannis Galeazii supradicti.

This MS is a collection of tracts and muniments on the Schism with occasional insertion of theological or humanistic works. The texts are written in several bastardae and humanistic cursive bookhands in brown ink. The text on fol. 1r opens with an illuminated initial in an acanthus design with decoration incorporating gold disks extending into the margin. In the lower margin is the coat of arms of a Barbo cardinal surrounded by a laurel wreath which is highlighted by light penwork designs by the artist of the initial. Capitals and paragraph signs are red or blue, red capitals having violet decoration and blue ones, red decoration. At fol. 3r is written, 'Superius in pluteo xi^o bibliothecae magnae secretae'. Catchwords are at lower right. For the watermarks, cf. Briquet no. 6651. Fol. 4-10 are missing. The MS has a 19th-century leather and parchment binding, incorporating the 17th-century one. Fol. 3v, 47v-48v, 58v, 225v, and 235v are blank.

Vat. lat. 4016

saec. XIVin. (1307)

Scr. Ranulf Daniel of Waltham Holy Cross.

<I> +148 fols. + <I> memb. 350 (215) x 215/20 (135/40) mm, origin England.

Quaterniones, saec. XIVin. (1307).

fol. 1r-111r **Registrum inquisitionis super excommunicatione Thomae de Cantilupo olim episcopi Herefordensis**

(Rubrica) Incipit prima inquisitio de excommunicationum articulis quibus recolende memorie dominus Thomas de Cantilupo quondam episcopus Herefordensis dicebatur tempore obitus sui fuisse ligatus. (Invocatio) In nomine Domini amen. Ad honorem, laudem et gloriam sancte et indiuidue Trinitatis ... (Praefatio) Incipit inquisitio de excommunicationum articulis quibus dicebatur fuisse innodatus recolende memorie dominus Thomas ... a sede apostolica deputatos. (Textus) Per hanc igitur presentem scripturam ... (fol. 110r) (Finis) Placeat uobis nomen meum inserere in responsiua uestra. Datum xx die iulii. (Colophon) (fol. 110v) Explicit processus inquisitionis facte per uenerabiles [uiros] patres dominos Mimatensem et Londoniensem episcopos et G. archidiaconum Aranensem in ecclesia Conuennarum domini pape capellanum super excommunicationum articulis quibus recolende memorie dominus Thomas de Cantilupo quondam episcopus Herefordensis tempore sui obitus dicebatur fuisse ligatus. (There follow the signatures and notarial signs of five notaries, the

last of which is the scribe.)
fol. 112r-147v **Extractum inquisitionis**

(Rubrica) Incipit extractum primi processus de articulis excommunicationum factum per commissarios ad eorum et aliorum instructionem. (Praefatio) In Dei nomine amen. Quia dilucidius patet res diuisa per partes ... probatum est per processum. (Rubrica textus) Incipit prima pars examinacionis huius processus de forma commissionis et processus. (Textus) Procuratoribus et nunciis decani et capituli Herefordensis significantibus ... (Finis) xv^{us} uidit Item tercio (concordant quod pro notario publico habebantur sup...). (Colophon) Explicit extractum et examinatio huius processus facta a commissariis ad eorum instructionem et ad eliciendam ueritatem super contentis in dicto processu ut ex hoc certificari possent si erat eis procedendum ad inquisitionem de uita et miraculis recolende memorie domini Thome de Cantilupo quondam episcopi Herefordensis faciendam uel omittendam, grossatum per manum Ranulphi Daniel de Waltham Sancte Crucis notarii uenerabilis patris domini Dei gratia Londoniensis episcopi. Deo gratias.

Bibl. R.C. Finucane, 'The Cantilupe-Pecham controversy', *St Thomas Cantilupe, bishop of Hereford*, ed. M. Jancey (Hereford 1982) 103-23, especially at 104 n. 2; id., 'Two notaries and their records in England, 1282-1307', *Journal of medieval history* 13 (1987) 1-14, on the use of the records kept by the notaries John de ZZ Beccles and Hildebrand of Siena; P.H. Daly, 'The process of canonization in the thirteenth and early fourteenth centuries', *St Thomas Cantilupe* 125-35 at 128 an. 15, 129, and 131.

This MS contains the report of the papal commission of 1307, which declared illicit the excommunication of Thomas Cantilupe, bishop of Hereford, by his metropolitan John Pecham, archbishop of Canterbury, in 1282. The commissioners, the bishops of Mende and London and the archdeacon of Aran (diocese of St-Bertrand-de-Comminges) assembled a collection of about sixty documents and took testimony from forty witnesses.

The MS was written and corrected in brown ink by Ranulf Daniel of Waltham Holy Cross, a notary of the bishop of London. His name appears on fol. 1r and on fol. 111r (with his notarial sign) and on fol. 147v. Initials at the start of major sections alternate red and blue with penwork in the contrasting color. Capitals and paragraph signs are red and blue; rubrics are red. There are drawings of fish on fol. 99 and 112r. Running titles appear throughout. Originally, the *processus* was foliated while the *extractum* was paginated; an early modern continuous foliation is followed here. There are corrections and annotations in several contemporary hands. On <I>v is the contemporary note: 'In hoc libro ponitur primo inquisicio de excommunicationum articulis; secundo ubi signantur folia per paginas est extractum elicium ex inquisicione predicta.' Quires were marked in roman numerals at the lower edge of the first recto of each quaternion; these are cut away until the tenth quire. Catchwords and corrector's marks appear at the lower right of the last verso of each quire. The catchwords are often cut away. The MS has a 19th century binding of red cardboard. <I>r, fols. 16v, 55v, 111v, 148r-v, and + <I>r-v are blank.

Vat. lat. 4031 (MSipt not checked)

saec. XVI (1562)

Scr. Vincentius Navarra.

<II> + 74 fols. chart. 302 (228) x 211 (133) mm, origin Italy. Quiniones, saec. XVI

(1562).

fol. 1r-64r **Zanchinus Hugolini, Tractatus super materia hereticorum** (See Vat. lat. 2648, fol. 1ra-28vb for further information.) *Variants:*

Ihesus *praem. ante rubricam* (Rubrica Textus) rubrica. i. *om.* (Textus) oportet *pro oportet* (Finis) Sed *pro* Set; ex *om.* ZZ (Colophon) amen *unicum*

fol. 64v-68r **Clemens IV, Confirmatio bullae Frederici <II contra hereticos>** (ZZ Po. 19423)

(Ed. Cf. *Bullarium Franciscanum*, ed. J.H. Sbaralea (Rome 1765) III 47.)

fol. 68r-74v **Guido <Fulcodi>** postea Clemens IV, **Consilium** (See Vat. lat. 2648, fol. 30vb-34ra for further information.)

fol. 74v **Guido <Fulcodi>** postea Clemens IV, **Quaestiones duae** (See Vat. lat. 2648, fol. 34ra for further information.) *Variants:*

(Textus) Quarto (in quinto^{ac}, in *canc.*) quaeritur quae (quaeritur si duo uel tres conuersi quae^{ac}) exceptiones admittantur contra testes. ZZ (Colophon) Amen *om.*; (*marg. inf.*) Vincentius Nauarra scribebat anno Domini MDLXII.

The manuscript is written in brown ink by a single scribe in a very clear and even hand. <I>r-<II>r have an index to Hugolini's work. For watermarks, cf. Briquet 6097 and 7117. The codex has a plain 16th-century parchment binding. <II>v is blank.

Vat. lat. 4032

saec. XIV

Prov. Martin, bp. of Lisbon 1379-83.

<I> +245 fols. + <I> memb. 252 (170) x 177 (118) mm. Seniones, saec. XIV.

<I>r-v <**Biblia Sacra**>, fragmenta (4 Reg. 4.15-4.26; 3.22-3.27)

fol. 1ra-245vb <**Bernardus Guidonis O.P.**>, **Practica inquisitionis hereticae pravitatis**

(Rubrica) Hic incipit tractatus de practica officii inquisitionis heretice prauitatis (Practica tradita per fratrem B. Guidonis de ordine predicatorum contra infectos labe heretice prauitatis *ed.*). (Praefatio) <T>ractatus presens de practica officii inquisitionis heretice prauitatis, maxime in partibus Tholosanis, Carcassonensibus, Albiensibus, et in prouincia Narbonensi et circumuicinis dyocesibus in se continet quinque partes ... (fol. 2ra) (Rubrica textus) <S>equitur prima pars tractatus in qua ordinate conscribuntur forme litterarum uarie et diuerse ad citandum aut ad capiendum personas culpabiles ... (fol. 3va) (Forma prima) <F>rater Bernardus Guidonis, This could completely be dropped capellano talis ecclesie vel eius locum tenenti salutem (Textus) Auc<tor>itate apostolica predicta qua fungimur ...if you want to keep this form, then add it's date Datum Tholose sub sigillo nostro klis. Aprilis a. d. M^oCCC^oXV^o (fol. 244va) (Forma penultima) <F>orma instrumenti obligationis fideiussorie cautionis alicuius confessi relaxandi. <I>n nomine Domini, amen. Nouerint uniuersi hoc presens instrumentum publicum inspecturi quod anno eiusdem Domini tali, Kalendis et loco tali ... (fol. 245vb) (Finis) Et ego (et me tali *ed.*) N. notarius (notario *ed.*) i<n>quisit<io>nis qu<i> hec (*add. ed.*) scripsi <e>t re<cepi>. (Ed. *Practica Inquisitionis ZZ Heretice Pravitatis*, ed. C. Douais (Paris 1886). The MS is incomplete, ending at p. 303 of the edition.)

<+1>r-v <**Bernardus de Botone Parmensis, Glossa ordinaria in Decretales**>,

fragmenta (recto illegible, verso....) X 4.9.2, 4.10.1, 4.11. 1)

Bibl. Kaepelli, *Scriptores* I 222 no. 630, Dondaine, 'Manuel de l'inquisiteur' at 86 n. 2.

The MS was written in brown ink in a single 14th-century bookhand. Capitals are missing throughout. On fol. 245vb, following the end of the text, is an autograph of Nicholas Eymericus O.P. (Grand Inquisitor from 1366): 'M<artinus> episcopus Vlixbonensis emit fr. N. Eymrici testis'. (Cf. the description of Vat. lat. 1016.) In the bottom margin is an ex libris: 'Tractatus de practica officii inquisitionis heretice prauitatis et est iste liber Petri Iudicis sancte prime sedis Narbon. Archiepiscopi (1347-1375) et primatis episcoporum provinciae Narbon.' Fol. 245 is mutilated, missing most of the outer column. <I> is a leaf from a 12th-century Bible, bound in backwards here. The text on <+I> runs vertically and is largely illegible; at some point a piece of printed material was glued to it and many fragments still adhere. The MS has a 19th-century leather and cloth binding.

Vat. Lat. 4128 (MS not checked!)

saec. XIVmed.

Prov. Pietro da Monte, bp. of Brescia 1442-1451.

<I> +209 fols. + <XI> chart. (memb: <I> and <+XI>) 434 (292) x 290 (166) mm, origin Italy, saec. XVmed.

fol. 1ra-2va <**Tabula Tractatus Johannis Leonis**>

fol. 11ra-42va, 87ra-90ra, 93ra-209vb <**Auctores varii, Opera polemica**>: Johannes Leonis O.P., De synodis et ecclesiastica potestate (fol. 11ra-42va [**Bibl.** Kaepelli, *Scriptores* II 469 no. 2428]); Petrus Lutra, Tractatus contra Michaellem de Cesena, imperfectus (fol. 87ra-90ra [**Ed.** R. Scholz, *Unbekannte kirchenpolitische Streitschriften aus der Zeit Ludwigs des Bayern (1327-1354)*, 2 vols. (Rom 1914; anast. repr. Turin 1971) II 29-42]); Incertus auctor, Chronica gestorum Johannis papae XXII contra opinionem Fraticellorum (fol. 93ra-209vb).

fol. 43ra-85va **Concilium Florentinum** (1438-1445), <**Acta**>

(Rubrica) Incipiunt gesta sacrorum conciliorum Ferrariensis et Florentini sub auctoritate et presidentia s. d. n. Eugenii pape iiii. (Invocatio) In nomine sancte et indiuidue Trinitatis Patris et Filii et Spiritus sancti. Amen. (Textus) Nouerint uniuersi et singuli acta et actitata infrascripta inspecturi ... (Finis) et iussionibus fideliter et semper obtemperare. Datum Florentie in publica sessione synodali sollempniter in ecclesia sancte Marie Nouelle celebrata anno ab incarnatione Domini millesimo quadringentesimo quadragesimo secundo pridie nonas februarii pontificatus nostri anno undecimo. (**Ed.** *Epistolae pontificiae ad Concilium Florentinum spectantes*, ed. G. Hofmann (Concilium Florentinum I.1-3; Roma 1940-46) passim, using this MS (siglum B) at I.1 viii(c); *Acta camerae apostolicae et civitatum Venetiarum, Ferrariae, Ianuae de concilio Florentino*, ed. G. Hofmann (Concilium Florentinum III. 1; Roma 1950) passim, using this MS, see xiv (IIIc); *Fragmenta protocolli, diaria privata, sermones*, ed. G. Hofmann (Concilium Florentinum III.2; Roma 1951) passim, using this MS: see vi-vii.)

Bibl. Miethke, 'Schriften des Juan González' 286 n. 35.

The MS is written in several late Gothic and humanistic hands in brown ink. It was sparsely annotated in

the 15th century, and a modern title has been added on the top of fol. 43r. There is an illuminated R at fol. 11ra. On fol. 11 to 85 and fol. 118 to 121 capitals are red with violet and blue with red decoration, while paragraph signs are red or blue. From fol. 93 to 118 capitals are decorated in ink, and paragraph signs are red or blue. After fol. 121, the capitals are not decorated, nor are there any paragraph signs. The arms of Pietro da Monte appear on fol. 11r. On <I>r appear a table of the MS and a librarian's note, 'Inferius in pluteo XI^o bibliothecæ magnæ secretæ Bibliothecæ Apostolicæ'. The quires are irregular, varying in length from ternions to senions. Catchwords are centered at fol. 20v and 70v, while there is one at lower right on fol. 32v. For the watermarks, cf. Briquet no. 8968. The MS has a 19th-century parchment binding. <I>v, fol. 3r-10v, 50r-v, 56r-v, 64r-v, 76v, 86r-v, 91r-92v, and <+I>-<+XI>v are blank.

Vat. lat. 4171 (MS not checked!)

saec. XV.2

290 fols. - 127 chart. 400 (270) x 282 (170) mm, origin Germany. Quaterniones, saec. XV.2.

fol. 1r-290v **Concilium Pisanum (1409)**, <Acta>

(Rubrica) Incipit concilium Pisanum 2^m. (Inscriptio) Miseratione diuina episcopi, presbiteri et diaconi sacrosancte Romane ecclesie cardinales ... salutem et promptum habere affectum ad pacem et unitatem ecclesie procurandam. (Textus) Quanta sollicitudinis cura saluator noster Ihesus Christus unitatem apostolis commendauerit ... (Finis) quos libenter uidit et recepit et summe honorauit. (Datum) Millesimo quadringentesimo nono indictione secunda die uero lune quinta mensis augusti. This collection has three sections: fol. 1r-47v, preliminary letters; fol. 47v-134v, sessions of the council; fol. 134v-290v, documents and testimony in the process against Gregory XII and Benedict XIII. This text was copied from Vat. lat. 4172. Thus fol. 1, which replaces the material missing from that MS, is blank after the copying of one line on the verso.

Cat. Kristeller, *Iter* II 326. **Bibl.** Vincke, 'Acta Concilii Pisani' 83-84.

ZZ

The MS is written in several cursive bookhands in brown ink. Notes in the margin include indications of the beginning sections at fol. 47v and fol. 134v. Rubrics and capitals are red. For the watermarks, cf. Briquet no. 12218. There is a tiny catchword at fol. 10vb. The MS has a 19th-century leather binding.

Vat. lat. 4172 (MS not checked!)

saec. XV.1

III + 562 fol. + <I> chart. 341 (222) x 235 (136) mm, origin Germany. Seniones, saec. XV.1.

fol. 1r-562v **Concilium Pisanum (1409)**, <Acta>, imperfecta (See Vat. lat. 4171 for further information.) *Variants*:

(Textus) /// Quartum quod tractatu pendente nullum crearet cardinalem.

(Colophon) Laus Deo. This MS is the mutilated original of the collection in Vat. lat. 4171. The second section begins at fol. 130v; the third, at fol. 272r. A modern note at fol. 562v compares this MS with Ottob. lat. 2351.

Cat. Kristeller, *Iter* II 326. **Bibl.** Vincke, 'Acta Concilii Pisani' 83-84 (siglum V).

ZZ

The MS is in two Germanic cursive hands in dark brown ink: fol. 1r-352v; 353r-562v. <III>v and <I>r are parts of a notarial instrument dated Rome, September 29, 1460, in which Macharius de Buchseck of Trier (see Repertorium Germanicum VIII: Pius II, [forthcoming](#)) institutes as his procurators Conradus de Myntzenburg and Cristianus de Wyert. A ZZ title is attached to the bottom of fol. 1r. Capitals are in ink. Catchwords are at lower right. For the watermark, cf. Briquet no. 3668. The MS has a 19th-century leather binding. Ir-IIIr, fol. 52v, 58v, 277v, and <+I>v are blank.

Vat. lat. 4174 (MS not checked!)

saec. XV

VIII+ 166 fols. chart. 330 (212) x 220 (146) mm. Quiniones, saec. XV.

I-Vv <**Tabula actorum concilii Constantiensis**>

fol. 1r-166r **Concilium Constantiense (1414-1418), Acta** (Sessiones I-XXI)

(Rubrica) Acta generalis concilii Constanciensis presidente papa Iohanne XXIII usquequo in fine presedit Martinus V^{tus}. (Invocatio) In nomine sancte et indiuidue Trinitatis. (Praefatio) Hic liber continet ordinationes statuta constitutiones decreta et alia acta ... (Excerptum ex libro Guillelmi Fillastre) <O>rigo generalis concilii Constantiensis ... (fol. 2v) (Rubrica textus) Introitus pape Johannis XXIII ad Constantiam. (Invocatio) In nomine Domini nostri Yhesu Christi. (Textus) Anno a natiuitate eiusdem millesimo quadringentesimo decimoquarto ... (Finis) Philippi de Medulia (Medialia *cod.*) sacre pagine (*om. cod.*) professoris uicesima per quoscumque et uicesimasexta (XVI *cod.*) ZZ per alios. This MS ends between sessions 21 and 22. Besides having almost all of Labbe's text, it contains most of the additional materials printed from the Capranica and Barberini collections found in Mansi 27.531-929.

Cat. Kristeller, *Iter* II at 326. **Bibl.** Finke, *Acta concilii Constanciensis* IV at xxi.

The MS is in a cursive bookhand in dark brown ink. Catchwords are vertical on the inner margin line. For the watermark, cf. Briquet no. 13884. The MS has a 19th-century leather binding. VIr-VIIIv are blank.

Vat. lat. 4177

saec. XV med.

antea 19 (?)

<II> + 125 fols. chart. 298 (194) x 217 (126) mm, origin Germany. Quiniones, saec. XV med.

<I>r-v <Incertus auctor, **Epistola**>

(Inscriptio) Nobilissime atque insignis uir amice carissime post commendationem. (Textus) Erupit usque in uestras aures nostri abbatis iniustissimus clamor ... (Finis) ad fortunas meas irrumpat. (This letter was written in complaint against his abbot by a monk who had been absent from his monastery on a mission for the king of France.)

fol. 1r-6r <**Guillelmus le Maire, Memorandum ad concilium Viennense**>

(Invocatio) <I>n nomine Domini. Amen. (Praefatio) Anno Domini Millesimo quadringentesimo (*sic*) undecimo congregato concilio generali Vienne ... (fol. 2r) (Textus) <Z>elus domus Dei pariterque Christi caritas mandatque apostolici cui summopere obediendum est ... (fol. 5v) (Finis) Si quod requiritur in corpore non

- inuenitur in capite. (Epilogus in forma epistolae) (Inscriptio) Vniuersis Galliarum prelati Vienne in concilio congregatis ... (Textus) Notum omnibus facio quod si tractetur uel agatur ... (fol. 6r) Illud Iohannis Baptiste ad Phariseos et Seduceos (*sic*). Scriptum in (*om. cod.*) Matheo 'Progenies uiperarum quis demonstrabit uobis (nobis *cod.*) fugere a uentura ira' (Mt. 3.7). (**Ed.** *Liber Guillelmi Maioris*, ed. C. Port (Collection de documents inédits sur l'histoire de France V.11.2; Paris 1877) 189-537 at 471-84.) 131. **Bibl.** Müller, *Konzil von Vienne* 100-102, and see 755.
- fol. 6r-7v <**Clerus Franciae, Epistola ad Bonifacium VIII**> 10. 4. 1302
(Inscriptio) <S>antissimo patri et domino suo karissimo domino Bonifacio diuina prouidentia sacrosancte Romane ac uniuersalis ecclesie summo pontifici ... (Textus) Non absque dolore cordium et amaritudine lacrimarum beatitudini uestri significare compellimur ... (Finis) ac paterne pietatis officio dignemini prouidere. Conseruet altissimus beatitudinem uestram ecclesie sue sancte per tempora longiora. Datum Parisius. Die martis (*om. cod.*) predicta. (**Ed.** Raynaldi a. 1302 n. XI: excerpts from this MS *Documents relatifs aux états généraux et assemblées réunis sous Philippe le Bel*, ed. G. Picot (Collection de documents inédits sur l'histoire de France III: 8, Paris 1901) 5-11.)
- fol. 7v-8v **Bonifacius VIII, Articuli missi regi Franciae, 1302**
(Inscriptio) Bonifacius ... ad P. Francorum regem. (Textus) <S>uper revocatione constitutionis prohibitionis precepti et impedimenti cuiuslibet prestitorum directe uel indirecte ... (Finis) prout et quando uidebimus expedire. (Colophon) Et sic est finis (**Ed.** Raynaldi a. 1303 n. XXXIV from this MS, and P. Dupuy, *Histoire du differend ZZ entre le Pape Boniface VIII et Philippe le Bel* (Paris 1655) 90-92).
- fol. 9r-10v **Concilium Basiliense (1431-1447), Epistolae ad Bohemos**
(Rubrica) Epistola prima sacri concilii Basiliensis ad Bohemos. (Epistola prima) (Inscriptio) <S>acrosancta Basiliensis synodus in spiritu sancto legitime congrega<ta> ... (Textus) Compulit nos caritas Christi egredi de terra nostra et cognatione nostra ... (fol. 10r) (Epistola secunda) (Rubrica) Epistola secunda missa per concilium Basiliense ad Bohemos. (Inscriptio) <S>acrosancta generalis synodus Basiliensis etc. (Textus) Dum eminentissimam Redemptoris nostri dilectionem qua pro nostra salute non dubitauit ... (Finis) ei agnitionem (*cognitione cod.*) sue (*om. cod.*) ueritatis (*deifice add. cod.*) perducere dignetur. (Amen. *add. cod.*) Datum Basilee in nostra congregatione generali die sabbati viii die mensis marci anno a natiuitate Domini M^o cccc^o xxxii^o (in nostra ... xxxii^o *om. ed.*) sub sigillo reuerendi in Christo patris domini (Philberti *add. cod.*) episcopi Constantiensis prouintie Rothomagensis quo de presenti utimur (die ZZ mensis martii MCCCCXXXII *add. ed.*). (**Ed.** Mansi 29.233-36, 30.99-101.)
- fol. 10v-12v **Concilium Basiliense (1431-1447), Reformatio suppositorum**
(Rubrica) Sequitur reformatio suppositorum concilii. (Textus) <A>dmonet hec sancta synodus omnes sacrum concilium celebrantes ... (Finis) ut predicta clero (*choro cod.*) suo intimant (*sic*) et inuiolabiliter obseruari faciant. (**Ed.** Mansi 29.382-85.)
- fol. 12v-15v <**Petrus de Versallis, ep. Meldensis**>, **Propositio facta coram Eugenio IV ex parte regis Franciae**, 16. 12. 1441
(Inscriptio) Beatissime pater. (Textus) Indidit natur<a> cunctis ZZ mortalibus

- instigatque omnis sensus ... (Finis) quod tibi concedat Ihesus Christus, Benedictus Deus in secula. Amen. (Colophon) Explicit propositio facta Florentie coram sanctissimo domino nostro domino Eugenio papa quarto in consistorio publico per reuerendum in Christo patrem dominum P. episcopum Meldensem pro requisitione concilii generalis ex parte regis Francie anno Millesimo quadringentesimo quadagesimo primo die xvi mensis decembris. (**Ed.** Concilium Florentinum A.III.2: Fragmenta, Protocolla, diaria privata, sermones ed. G. Hofmann (Roma 1951) 71-7xx from this MS.)
- fol. 15v-17v <Incertus auctor, **De imagine Salvatoris ex operibus s. Athanasii**> (Praefatio) <A>pud Cesaream Cappadocie in urbe permaxima conuenientes ... (fol. 16r) (Textus) Quedam ciuitas est in Siria infra terminos Tyri ... (Finis) et exaltate nomen eius per cuncta secula seculorum. (Epilogus) Cum uniuersa hec de libello sancti patris Athanasii ... et honor sit Spiritui per cuncta secula. Amen. (Colophon) Explicit de ymagine saluatoris. (**Bibl.** Stegmüller, *Repertorium biblicum* VII no. 151,7.)
- fol. 21r-125r **Concilium Constantiense <(1414-1418), Acta, excerpta>** (Rubrica) Sententia priuationis domini Iohannis pape xxiii. (Textus primus) (Invocatio) In nomine sancte et indiuidue Trinitatis Patris et Filii et Spiritus sancti. Amen. (Textus) Sacrosancta generalis (*om. cod.*) synodus Constantiensis (*om. cod.*) in Spiritu sancto legitime congregata uniuersalem ecclesiam representans (uniuersalem ... representans *om. cod.*) ... uisis articulis in hac causa contra dominum Iohannem papam XXIII ... (Textus ultimus) In hoc igitur generali concilio Constantiensi in quo agendum fuit (sit *cod.*) de pace et unione perfecta ecclesie ... (Finis) uoueo ei iuro Deo (et ecclesie *add. cod.*) etc. ut infra (ut in sexto folio huius libri *cod.*). (Colophon) Acta concilii Constantiensis. (**Ed.** Mansi 27.715-16, 728, 748-52, 754-63, 764, 766-68, 794-99, 842-64, 972-76, 1057-70, 1053-56, 1159-63, 1164-66, 1167-72, 1172-73, 1174-77, 1195-96, 1200-04, 963-64, 967-76, 1144-46, 534, 541, 542-43, 548, 549, 552-64, 564, 565, 565-66. The exemplar had Labbe's text as printed by Mansi with minor variants and parts of the Barbarini collection, see fol. 81r, 85v-89r, 112r-125. The sessions represented are, in order: 12-13, 15, 19-20, 24, 31, 39-45, 23-24, 37, 1. Sessions 40 and 41 are given as 36 and 37.)
- fol. 125v <Incertus auctor>, **Summi pontifices malum exitum habentes** (Rubrica) Sequuntur summi pontifices malum exitum habentes ut in speculo hystoricali cauetur. (Textus) Anastasius secundus natione Romanus ... (Finis) Gregorius Angelus de Corrariorio.

Cat. Kristeller, *Iter* at 326.

The MS is written in two very similar gothic cursive bookhands in brown ink: fol. 1r-17v; fol. 21r-125v. The letter at <I>r-v was added in a later cursive. The title 'Gesta in concilio Basiliens.', with the old shelfmark (?) '19', has been attached to the bottom of fol. 1r. Catchwords are at lower right. For the watermarks, cf. Briquet no. 7693. The MS has a 19th-century parchment binding. <II>r-v and fol. 18r-20v are blank.

Vat. lat. 4179 (MS not checked!)

saec. XV

<XIII> + 82 fols. chart. (memb.: <I>) 304 (226) x 212 (140) mm, origin Germany.
Octiones, saec. XV.

fol. 1r-13v, 22r-82r <**Concilium Constantiense <(1414-1418), Acta>**, imperfecta
(Sessiones I-XIX)
(Inscriptio) Iohannes episcopus seruus seruorum Dei ad perpetuam rei memoriam.
(Textus primus) Intendentes ad executionem eorum que per felicitis recordationis
Alexandrum papam quintum ... (fol. 1v) (Invocatio) In nomine Domini nostri Iesu
Christi. (Textus secundus) Anno ab eiusdem (eius *cod.*) incarnatione millesimo
quadringentesimo decimoquarto (quartodecimo *cod.*) ... (Finis) nunciis et
principum (ac *add. cod.*) uniuersitatum et studiorum ambaxiatoribus testibus etc.
(**Ed.** This MS gives the largest part of sessions 1-19 as printed from Labbe in
Mansi 27.53-801 with the opening texts transposed and with interpolations from
the *Gesta* of Jacobus Ceretanus.)

fol. 14r <Incertus auctor, **In articulos concilii Constantiensis reprobantes errores
Johannis Wycliff et Johannis Hus>**, imperfectum
(Rubrica) Rationes et motiua reprobationum articulorum infrascriptorum Wicleff
et sequacis suis (*sic*) Iohannis Hus hereticorum et dicitur notorie quarum prima est
ista uidelicet. (Textus) Substantia panis materialis et similiter substantia uini
manent in sacramento altaris. Suprascripta conclusio (ergo *cod.*) est falsa erronea
et heretica ... (Finis) Quia corpus Christi non est quantum tali quantitate
(quantitati *cod.*). Esset enim /// (**Ed.** Mansi 28.57-58.)

Cat. Kristeller, Iter II at 326. **Bibl.** Finke, *ZZ Acta concilii Constanciensis* IV at xxii.

The text is written in a gothic cursive bookhand in gray-brown ink. The text at fol. 14r was begun by
another hand on an inserted quaternion. Rubrics are red. The opening capital is red and blue. Other capitals
are red or ink colored with red. <I>v is blank except for 'Vniuersis Christi fidelibus presentes litteras uisuris
uel auditoris nos.' <II>r is blank except for the erroneous note 'In isto libro continentur aliqua de concilio
Pisano tempore domini Iohannis pape' and the monogram 'GF'. For the watermarks, cf. Briquet no. 2669.
Catchwords are centered. The MS has a 19th-century leather and cloth binding. <II>v-<XIII>v and fol.
14v- 21v are blank.

Vat. lat. 4184 (MS not checked!)

saec. XV med.

Prov. Pietro Barbo, later Paul II (1464-1471); Pietro da Monte, bp. of Brescia 1442-1457.

Scr. Pietro da Monte (?).

<I> +389 fols. + <I> - 252 chart. (memb.: <I> et <+I>) 438 (285) x 286 (185) mm, origin
Italy (Rome?). Quiniones, saec. XVmed.

fol. 3ra, 3va-12va <**Tabula contentorum in hoc volumine**>
(Invocatio) In nomine sancte atque indiuidue Trinitatis Patris et Filii et Spiritus
sancti [Amen] ac totius celestis curie triumphantis [ex]. Amen. (Praefatio) Hoc
uolumen continet acta concilii generalis Basiliensis.... que in hoc uolumine
continentur prout ex inferioribus apparebit. (fol. 3va-12va) <Tabula>.

fol. 16ra-359ra <**Petrus de Monte>**, **Gesta concilii Basiliensis** (Pars I)
(Rubrica) Incipit liber continens gesta concilii Basiliensis et primo de ipsius
concilii origine ac fundamento. (Praefatio) Concilii generalis Basiliensis cuius
gesta quedam in hoc uolumine sunt collecta origo ac fundamentum cepit ex

decreto concilii Senensis ... (fol. 19ra) (Textus) Frequens generalium conciliorum celebratio agri Dominici precipua cultura est ... (Finis) et quilibet iustus debet facere secundum illud psalmistae ? i ? orum. 'Odiui ecclesiam malignancium et cum impiis non sedebo' [Ps. 25.5] etc.

fol. 360ra-389vb **Antonius de Benciolis de Canario, Tractatus de potestate papae supra concilium generale**
(Dedicatio) Reuerendo patri et domino meo domino Nicholao episcopo Recanatensi et Maceratensi ... (Praefatio) Cum incideremus in sermonem errorum Basiliensium ... (fol. 360rb) (Textus) Prima conclusio quod papa solus habet immediate potestatem a Christo super omnes probatur primo auctoritate sacre scripture ... (Finis) ipse qui est trinus et unus sua infinita pietate concedat in eternum. Amen. (Epilogus) Explicit tractatus de (*sic*) Explicit tractatus de potestate pape supra concilium generale editus per me Anthonium de Camnino (*sic*) ... Ad laudem Dei tociusque triumphantis (*sic*) ecclesie. Amen. (**Bibl.** R. Abbondanza, 'Antonio da Cannara', DBI 3.542-43.)

Bibl. *Concilium Basiliense*, ed. Haller I 4 n. 6; J. Haller, *Pietro da Monte* (Rome 1941) *108; Miethke, *González* 302-04.

This first part of the collection is adapted from that of Dominicus Capranica; see Vat. lat. 4187 and Vat. lat. 5600. This copy is the first of a two volume set, the second of which is Vat. lat. 4185. The MS is written in multiple cursive and humanistic hands in dark-brown ink. The first of these hands (fol. 3ra, 3va-12va, 16ra-18vb) may be the autograph of Petrus de Monte. On fol. 16ra and 19ra are illuminated initials on multicolored grounds; gold disks with fine rays extend the decoration into the margin. The Barbo coat of arms at the bottom of fol. 19r is surmounted by a cardinal's hat. Capitals are red with violet or blue with red decoration. Paragraph signs are red or blue. The catchwords are centered to fol. 78v and at fol. 341v; they are at lower right on fol. 88vb-218vb, fol. 317vb, and fol. 369vb-379vb. <I>r is a title page with the old shelf mark. For watermarks, cf. Briquet no. 6650. The MS has a nineteenth-century brown leather binding. <I>v-fol. 2v, 13v-15v, 246r-v, 279v, 307v, 321v, 331r-v, 346r-349v, 359v, and <+I>r-v are blank.

Vat. lat. 4185

saec. XVmed.

Prov. Pietro Barbo, later Paul II (1464-1471); Pietro da Monte, bp. of Brescia 1442-1457. <I> +232 fols. + <I> chart. (memb. <I> and <+I>) 430 (278) x 282 (178) mm, origin Italy. (Rome?). Quiniones, saec. XVmed.

fol. 1ra-52vb <**Petrus de Monte, Gesta concilii Basiliensis**> (Pars II)

(Praefatio) Cum in priori libro initium et originem Basiliensis concilii et plurima eius gesta eo quo potuimus ordine congesserimus ... (Textus) In decima sessione addendum est quod sequitur ... (Finis) de iniunctis penitentiis misericorditer elargitur. Datum Basilee in sessione publica ipsius sancte sinodi in ecclesia maiori solemniter celebrata kalendis iulii anno a natiuitate Domini millesimo cccc° xli°.

(**Bibl.** *Concilium Basiliense*, ed. Haller I 4 n. 6.)

fol. 73ra-76ra **Concilium Basiliense** <**Epistola XVII**> 6. 10. 1442

(Rubrica) Responsio facta per concilium Basiliense oratoribus serenissimi principis Federici regis Romanorum et illustrissimorum dominorum electorum imperii super translatione concilii Basiliensis ad alium locum. (Inscriptio) Sacrosancta generalis sinodus Basiliensis in Spirito sancto legitime congregata

- uniuersalem ecclesiam representans ad futuram rei memoriam. (Textus)
 Petitionem uestram audiuit hec sancta synodus ... (fol. 75vb) (Finis) a Domino
 Patre mereamur (promereamur *ed. male*) premia gloriosa. Datum Basilee ii^o nonas
 octobris anno a (fol. 76ra) natiuitate Domini millesimo cccc^o quadragesimo
 secundo. (**Ed.** Mansi 29.368-72.)
- fol. 77ra-202vb <**Auctores varii, Opera polemica**>: Benedictus XII, opus polemicum ?
 Const. *Summi magistri*. excerptum (fol. 107ra-rb [**Ed.** *Bullarium Romanum* IV
 348-86 at 370-71]); Coloniensis Universitas, Consilium, excerpta (fol. 188va-vb);
 Cracoviensis Universitas, Consilium 1442 (fol. 77ra-108va [**Ed.** C.E. du Boulay,
Historia Universitatis Parisiensis, 6 vols. (Parisiis 1665-73) V 479-517]);
 Consilium, excerpta (fol. 188vb- 189rb); Erfurtensis Universitas, Consilium,
 excerpta (fol. 188va); Felix V, Epistolae (fol. 171va-vb [ZZ 18 kal. sept.], fol.
 172ra-va [Geneva, ZZ non. aprilis 1447]); Lipsiensis Universitas, Consilium,
 excerpta (fol. 189rb-va); Nicolaus Cusanus, De concordantia catholica, excerpta
 (fol. 175ra- 177ra); Panormitanus, Tractatus 'Quoniam veritas' (fol. 113ra-171rb.
[Ed. *Deutsche Reichstagsakten unter Kaiser Friedrich III.*, ed. H. Herre and L.
 Quidde, II.2 (Deutsche Reichstagsakten XVI.2, Göttingen 1957) 440-538]);
 Viennensis Universitas, Consilium (1442) (fol. 183ra-184rb), excerpta (fol.
189va-b). Consilium (1440), excerpta (fol. 188rb-va); Incerti auctores,
 Compendium contra Eugenium IV (fol. 173ra-175ra), Errores in litteris Eugenii
 IV ad Parisiensem Universitatem (fol. 177ra-178va), Compendium pro
 iustificatione concilii Basiliensis (fol. 178va-183ra), Tractatus de reformatione
 ecclesiae (fol. 184rb-186va), Tractatus de unione ecclesiae (fol. 186va), Tractatus
 de depositione Eugenii IV (fol. 186va-188rb), Johannes Mauroux, Conclusiones
 (fol. 189va-202vb). **Bibl.** Miethke 302 n. 87; T.M. Izbicki, 'Legal and Polemical
 Manuscripts, 1100-1500, in the Biblioteca Ambrosiana, Milano', *Quaderni*
Catanesi 5 (1983) 147-76, 291-320 at 302, describing the parallel collection in
 MS G 80 sup. fol. 178r-376r.
- fol. 203ra-209ra <**Concilium Basiliense (1431-1449), Sessiones in Lausanna**>
 (Inscriptio) Sacrosancta generalis sinodus Lausannensis in Spiritu sancto legitime
 congregata uniuersalem ecclesiam representans ad perpetuam rei memoriam.
 (Textus) <T>anto nos ofitii quo in unum Spiritus sancti gratia conuocati sumus ...
 (fol. 208rb) (Inscriptio textus ultimi) Felix etc. ad perpetuam rei memoriam.
 (Textus) Quas ob causas euocati et emoti curam apostolici regiminis suscepimus
 ... (Finis) suis deuotis auribus (deuotionibus iugibusque *ed.male*) que orationibus
 commendabit. Datum Lausanne vii ydus aprilis anno a natiuitate Domini M^o
 cccc^o xlix^o pontificatus nostri anno nono. (**Ed.** Mansi 32.62-67, 60-62, 35.77-80,
 80, 75-77, printing all texts except the first.)

Cat. Kristeller, *Iter* II 326. **Bibl.** *Concilium Basiliense*, ed. Haller I 4 n. 5; Miethke,
 'Schriften des Juan González' 302-03.

This MS is the second part of a set, of which the first part is Vat. lat. 4184. The first volume has the arms of
a Barbo cardinal ! (Pietro ?, Marco?) and this one has the arms of Pietro da Monte. The main hand of the
 MS is an italic cursive in brown ink, with texts inserted in various late Gothic bookhands. The arms of
 Pietro da Monte at fol. 1r are surrounded by a wreath and surmounted by a mitre. The opening initial on fol.
 1ra is decorated in the same style as the initials in Vat. lat. 4184. Capitals are red with violet or blue with

red decoration. Paragraph signs are red or blue. <I>r is blank except for shelf marks, including 'Bibliothecæ Apostolicæ superius in pluteo xi° bibliothecæ magnæ secretæ', and the titles 'Pars 2^a collecta per episcopum Brixensem' and 'Gestorum et decretorum in concilio Basiliensi pars secunda'. The catchwords are at lower right. For the watermark, cf. Briquet no. 6650. The MS has an old red leather binding. <I>v, fol. 1r-10v, 53r-72v, 76v, 109v- 112v, 209v-232v, and <+I>r-v are blank.

Vat. lat. 4186 (MS not checked!)

saec. XV.2

Prov. Marco Barbo (card. 1467-1491).

IX + 356 fols. chart. 430 (189) x 290 (163) mm, origin Italy (Rome?). Quiniones, saec. XV.2.

IIra, IIva-IXra **Tabula** (See Vat. lat. 4184 fol. 3ra, 12va for further information.)

IXva-315va <**Petrus de Monte**>, **Gesta concilii Basiliensis** (Pars I) (See Vat. lat. 4184 fol. 16ra-359ra for further information.)

fol. 316ra-356va **Antonius de Benciolis de Canario, Tractatus de potestate papae supra concilium generale** (See Vat. lat. 4184 fol. 360ra-389vb for further information.) *Variants:*
(Finis) Amen. *om.* <Epilogus deest.>

Bibl. *Concilium Basiliense*, ed. Haller, 5.n.1; Miethke, *González* 288 and 302-03.

This MS is the first volume of a set, the second of which is Vat. lat. 4192. Both MSS by the same scribe (see 4192). The texts missing from the collection but listed in the table are noted with crosses in the margins of that table. This is explained in a note at the bottom of IIva in which Marco Barbo is mentioned as deceased. There are marginalia throughout the MS in two late 15th-century cursive scripts (see Miethke note 39). IXv is decorated with two small initials on solid grounds; floral borders are in the upper and lower margins. Within the lower border is the Barbo coat of arms surmounted by a cardinal's hat and surrounded by a laurel wreath. Decorative elements run down the outside margin and in the intercolumnar space. Small decorated initials similar to those on IXv appear on IIr and fol. 3r. Plain capitals are red or blue. It is a title page. Catchwords are perpendicular to the text at lower right beginning on fol. 12vb. For the watermark, cf. Briquet no. 5221. The MS has an old brown leather binding with the mark 'FF n 18' on the spine. Iv, fol. 2v, and 161v-163v are blank.

Vat. lat. 4187 (MS not checked!)

saec. XVmed.

Prov. Domenico Capranica (card. 1426-1458).

VII + 434 fols. chart. 295 (186) x 215 (100) mm, origin Italy (Rome?). Quiniones, saec. XVmed.

IIIr-IVr <**Tabula secundae partis collectionis Dominici Capranicae**>

fol. 1r-434r <**Dominicus Capranica, Gesta concilii Basiliensis**> (Pars II)

(Rubrica) Epistola concepta quod ambassiatores regum et principum iurare non debent decreta concilii iurare (*sic*). (Textus) Non est huic sacro concilio expediens compellere ambassiatores regum et principum ... (Finis) et quilibet iustus debet facere secundum illud psalmiste? -i? -orum? 'Odiui ecclesiam malignancium et cum impiis non sedebo' (Ps. 25.5) etc.

Bibl. *Concilium Basiliense*, ed. Haller I 5 n. 1; J. Haller, *Pietro da Monte* (Rome 1941)

*108 n. ZZ 286; Miethke, *González* 300-01 (note 83).

This is the second volume of a two-volume set, the first of which is Vat. lat. 5600. The MS is written in an italic cursive, the same hand as in Vat. lat. 5600 fol. 313r-362v, in brown ink. The present numeration replaces the original which, continuing the previous volume, ran fol. 371-804. The text on fol. 75r opens with an illuminated initial on a square ground. Rubrics and some capitals are red. For watermarks, cf. Briquet nos. 4040 (III only) and 7693 (text). Catchwords are set perpendicular to the text at lower right throughout most of the MS. The MS has a late-eighteenth-century parchment binding with the old mark 'FF N 18' on the spine. Ir- IIv, IVv, fol. 11v, 74r-v, and 434v are blank.

Vat. lat. 4188

saec. XV (ca. 1438)

Scr. Ghiselbertus Karoli (corrector).

66 fols. + <VI> memb. 362 (245) x 259 (166) mm, origin Switzerland (Basel).

Quaterniones, saec. XV (ca. 1438).

fol. 1r-65v <**Concilium Basiliense (1431-1449), Acta**> (Sessiones I-XXXII)

(Invocatio) In nomine sancte et indiuidue Trinitatis feliciter. Amen. (Praefatio)

Censetur utique dignum et congruum prout id singulariter exposcit ... (Textus)

Anno siquidem a natiuitate Domini (*om. cod.*) millesimo quadragentesimo tricesimo primo ... (Finis) executio ad eorum proprias personas facta fuisset.

Datum in sessione nostra publica in ecclesia maiori Basiliensi solempniter

celebrata nono kalendas aprilis anno a natiuitate Domini millesimo

quadragentesimo tricesimo octauo (*al. man.*) Collationatum cum originalibus

decretis per me Ghiselbertum Karoli <signum notarii> notarium sacri concilii et concordant.

Cat. Kristeller, *Iter* II 326. **Ed.** Mansi 29.3-178; for Ghiselbertus Karoli see J. Dephoff, *Zum Urkunden- und Kanzleiwesen des Konzils von Basel* (Hildesheim 1930) 65s.

The MS was written in a humanistic bookhand in brown ink. The parchment was lined in drypoint.

Catchwords are at lower right. The MS has a 19th-century leather binding. Fol. 66r-v and <+I>r-<+VI>v are blank.

Vat. lat. 4189

saec. XVmed.

antea 559? see p. 102.

177 fols. chart. 211 (140) x 145 (93) mm, origin Switzerland (Basel); Italy (Ferrara and Florence). Quiniones, saec. XV med.

fol. 1r-128v **Concilium Basiliense (1431-1438)**, <**Acta**> (Sessiones I-XXXII)

(Rubrica) Sessiones concilii Basiliensis celebrate in ecclesia cathedrali eiusdem ciuitatis sunt que sequuntur. (Textus) Ad omnipotentis Dei gloriam fidei katholice exaltacionem christianique (*sic*) religionis profectum ... (Finis) executio ad eorum proprias personas facta fuisset. Datum in sessione nostra publica in ecclesia maiori Basiliensi solempniter celebrata nono kalendas aprilis anno a natiuitate Domini millesimo quadringentesimo tricesimo octauo. (Colophon) G. Karoli IV (**Ed.** This anomalous collection of the acts of Basel contains the material given in Mansi 29.5-12, 13-20, 21-27, 32-34, 36-64, 67-73, 73-79, 89-90, 91-96, 98, 98-103, 104-121, 128-133, 137-141, 145-147, 141-144, 151-158, 170-178, often in

- variant versions. The following texts are not in the official acta: fol. 72v-74v, 94r-95v 'Cum iam dudum ... est expressum' (2 copies); fol. 95v-96v 'Hec sacrosancta synodus inter sue congregationis ... et accomoda expediant' (Basel, ZZ nonis maii 1437); fol. 104v-107v *Cedula legatorum*; fol. 107v-108v Julianus de Cesarinis, *Responsio promotoribus*. 'Hec sacrosancta' and the *Responsio* are printed in *Johannis de Segovia ... Historia gestorum generalis synodi Basiliensis* ed. E. Birk (Monumenta conciliorum generalium saeculi decimi quinti II; Vindobonae 1873) pars I 980-81 and 1005-06; a brief version of the *Cedula* is in Mansi 31/1.229-34 followed by the *Responsio* at 31/1.234-37.)
- fol. 130r-140v **Eugenius IV, Constitutiones**, id est: Const. *Doctoris gentium* (fol. 130r-139v) (**Ed.** *Epistolae pontificiae ad concilium Florentinum spectantes*, ed. G. Hofmann (Concilium Florentinum I; Roma 1940) pars I 91-99 no. 88.), *Pridem ex iustis* (fol. 140r-v) (**Ed.** *Ed. cit.* I 1100-12 no. 108.)
- fol. 141r-147r **Concilium Ferrariense (1438), Decreta**
(Rubrica) Primum decretum Ferrariae in sessione publica ueneris x ianuarii anni Mcccc xxxviii celebrata publicatum. (Textus) Ad laudem omnipotentis Dei exaltacionem catholice fidei pacemque et tranquillitatem et unitatem tocius populi christiani ... (fol. 146v) (Finis) quos (in *add. cod.*) inicio (huius *add. cod.*) (fol. 147r) sacri concilii cunctis prebuimus. Datum Ferrariae in sessione publica in ecclesia maiori solemniter celebrata anno incarnationis Dominice millesimo quadringentesimo tricesimo octauo quarto id. ianuarii pontificatus nostri anno octauo. (**Ed.** *Conc. oecum. decreta*, ed. J. Alberigo, pp. 514-23.)
- fol. 150r-159v, 170r-175r **Concilium Basiliense (1431-1447), Epistolae**
(Epistola prima) (Rubrica) Copia epistole responsiue ad inuectiuam pape.
(Inscriptio) Sacrosancta generalis synodus Basiliensis in Spiritu sancto legitime congregata uniuersalem ecclesiam representans ... (Textus) Ecclesiam suam Christus Deus noster tanta firmitate stabilire dignatus est (fol. 159v) (Finis) qui est Deus benedictus in secula seculorum. Amen. (fol. 170r) (Epistola secunda)
(Rubrica) Incipit epistola pro ueritate catholica ac iustificatione sacri concilii Basiliensis defendenda (*al. man.*) composita a Lodouico de Roma contra bullam que non est per dominum nostrum promulgata sed dicitur Antonius de Rosellis fecisse. (Inscriptio) <S>acrosancta synodus Basiliensis in Spiritu sancto legitime congregata uniuersalem ecclesiam representans ... (Textus) Vt inter uarias fluctuum procillas quibus nauicula Petri sacrosancta (sancta *cod.*) uidelicet Christi ecclesia agitur ... (Finis) ut gressus omnium dirigat in uiam pacis ueritatis et salutis qui est benedictus in secula seculorum. Amen. (**Ed.** Mansi 29.289-302 [Ep. VIII], 305-15 [Ep. X].)
- fol. 162r-167r **P<etrus de Versallis> ep. Meldensis, Propositio facta coram Eugenio IV ex parte regis Franciae** (See Vat. lat. 4177 fol. 12v-15v for further information.) *Variants*:
(Rubrica) Meldensis. (Colophon) Explicit propositio facta coram sanctissimo domino nostro Eugenio papa iiii^{to} in consistorio publico per reuerendum in Christo patrem P. episcopum Meldensem pro requisicione concilii generalis ex parte christianissimi regis Francie anno Domini Millesimo cccc^{mo} quadragésimo primo die decimasexta mensis decembris. (**Ed.** not using this MS.)
- fol. 176r-177r <**Symbolum fidei**>

(Invocatio) Ihesus Christus. (Textus) Credimus sanctam Trinitatem Patrem et Filium et Spiritum sanctum unum Deum omnipotentem eternum inuisibilem et incommutabilem ... (Finis) et rursus illa dampnare et fugere tenentur que ipsa ZZ predicat aut (aliud^{ac}) condempnat.

Cat. Kristeller, *Iter* II at 326.

The MS is in several cursive hands in brown ink. Although the earliest parts of the MS were probably done at Basel, other parts were added at Ferrara; see fol. 68r: 'Infrascripta sunt decreta et littere de quibus facta est mencio infra in fundacione huius sacri concilii Ferrariensis.' Completion at Florence is suggested by the presence at fol. 162r-167r of the oration of Petrus de Versailles and by the note at fol. 177v, 'Possent induci Greci tunc, ne in ecclesia uidentur deficere in promissis, ne etiam periclitaretur bonum, eligeretur aliquis locus tutus omnibus et accomodatus nobis et Grecis, et quia alii contradicebant'. Texts have been cancelled at fol. 49v, 59v, and 74v. Summaries appear in the margins to fol. 72r. The opening initial on fol. 1r is red. Although the first quires are quinions, later construction varies. Catchwords in the earlier part of the MS are vertical along the inner margin line. Possible old shelf mark appears on fol. 156r: 559. For the watermark, cf. Briquet no. 6592. The MS has a late-18th-century parchment binding. Fol. 67v, 97r-101v, 120r-121v, 129r-v, 147v-149v, 160r-161v, 167v-169v, and 175v are blank.

Vat. lat. 4190

saec. XV med.

Prov. A. Colocci; Guillelmus de Deserto **Scr.** Guillelmus de Deserto.

<I> +138 fols. + 1a-d chart. (memb.: <I> and 138) 214 (147) x 138 (95) mm, origin France (archdiocese of Rouen?). Seniones, saec. XV med.

fol. 1d^r-31r, 36r-43v, 120v-135v **Concilium Basiliense (1431-1449), Epistolae**

(Epistola prima) (Rubrica) Hanc responsionem fecit cardinalis sancti Angeli ambaxiatoribus pape. (Textus) Cogitanti huic sacre generali synodo Spiritu sancto legitime congregata ... (fol. 132r) (Epistola ultima) (Rubrica) Sequuntur littere que post monitorium pape misse fuerunt ad principes ex parte sacri concilii pro eius iustificacione. (Inscriptio) Sacrosancta generalis synodus Basiliensis in Spiritu sancto legitime congregata uniuersalem ecclesiam representans ... (Textus) Excitauit dudum ecclesiam suam misericors Deus ... (fol. 135r) (Finis) et cum prosperis rerum omnium successibus dirigat in eternam salutem. Datum etc. (Clausulae) (Rubrica *marg.*) Clausula pro uniuersitatibus etc. (Clausula prima) Hoc autem filii carissimi uobis notificare ... (fol. 135v) (Rubrica *marg.*) Clausula pro patriarchis archiepiscopis episcopis etc. (Clausula secunda) Precipue autem conuenit maiores ecclesiarum prelatos ... non obstantibus resistenciis et difficultatibus et cetera ut supra. (Subscriptio) G. de Deserto. (**Ed.** Mansi 29.239-67 (fol. 1d^r-26r, *Epistolae synodales* III), 29.267-73 (fol. 26r-31r, *Ep. syn.* IV), 29.282-88 (fol. 36r-43v, *Ep. syn.* VII), 29.289-302 (fol. 120r-132r, *Ep. syn.* VIII). Mansi did not print the *cedula* at fol. 36r-37v of this MS. The last letter, with its variant clauses, does not appear in the *Acta* of the council; see Mansi 29.3-234.)

fol. 31r-36r <Auctores varii, **Epistolae ad concilium Basiliense spectantes**>,

nominantur: **Johannes VIII Paleologus** (fol. 33r-34v) (**Ed.** Mansi 29.125-26);

Joseph II Patriarcha Constantinopolitanus (fol. 34v-36r) (**Ed.** Mansi 29.126-28); **Sigismundus imperator** (fol. 31r-33r) (**Ed.** Mansi 29.595-96, 30.117-18.)

fol. 43v-51v, 61r-112r <Auctores varii, **Orationes in concilio Basiliensi**>, nominantur:

Antonius de s. Vito (fol. 43v-46v) (**Ed.** Mansi 29.460-63); **Isidorus Ruthenus** (fol. 77r-81r) (**Ed.** Mansi 30.1244-50); **Julianus de Cesarinis** (fol. 46v-51v) (**Ed.** Mansi 30.945-50), (fol. 61r-77r) (**Ed.** Mansi 29.492-512), (fol. 81v-88r) (**Ed.** Mansi 29.1235-44), (fol. 88v-89) (**Ed.** Mansi 31/1.234-37); <Incertus auctor> (fol. 89v-103v, 103v-107r, 107v-112r).
fol. 112r-118r **Eugenius IV**, <**Const. Iam vobis**>

Cat. Kristeller, *Iter* II at 326.

The MS, written in brown ink, is in the cursive bookhand of Guillelmus de Deserto (see Concilium Basiliense ed. Haller III 651, IV 384, V 469) who wrote his name on fol. 1r and fol. 135v. He summarized the contents on fol. 1c^v: *Aliqua notabilia acta in concilio Basiliensi*. On fol. 138r are these marks of ownership: 'Iste liber est Guillelmi de Deserto curati de Graniuilla la Tamturiere Rothomagensis diocesis', 'Et hodie est A. Colotii (Angelo Colocci; see DBI 27.105-110), 'Nunc uero Bibliothecae Vaticanae'. Fol. 1r-v has a later table of contents. The mark 'FF N 18' appears on <I>v. Catchwords are at the lower right. For the watermarks, cf. Briquet nos. 14329 and 2778. The MS has a 19th-century parchment binding. <I>r and fol. 138v are gluestained. Fol. 1a^r-1c^r and 136r-137r are blank.

Vat. lat. 4192

saec. XV.2

Prov. Marco Barbo (card. 1467-1491).

<IV> + 529 fols. 428 (275) x 293 (171) mm, origin Italy (Rome?). Quiniones, saec. XV.2

<III>ra-<IV>vb <**Tabula operum**>

fol. 1ra-3ra, 29vb-32va, 33rb-34vb, 38ra-65ra, 71rb-87va [passim], 87va-101rb, 150vb-215vb, 226va-268ra, 269va-319va <**Auctores varii, Opera polemica**>: Antonius de Butrio, Consilium de schismate, imperfectum (fol. 282ra-284vb [**Ed.** Paulus Castrensis, *Consilia* I fol. 214ra-215ra to 214vb]); Antonius Luschus, De modo tenendi per concilium ad Petrum de Candia (fol. 33rb-34vb); Pseudo-Bonifacius VIII, Professio fidei (fol. 1ra-vb [**Ed.** Finke, *Acta concilii Constanciensis* II 616-18. **Bibl.** J. Lulvès, 'Die Entstehung der angeblichen Professio fidei Papst Bonifaz' VIII.', *MIÖG* 31 (1910) 375-91]); Bononiensis Universitas, Conclusiones de schismate, imperfectae (fol. 305rb-306rb [**Ed.** Mansi 27.219-21, 221 n. a. 221-22, 222 n. b lacking the first five lines on 219], *rep. perfectius* fol. 318rb-319va); Henricus de Langenstein, Epistola pacis (fol. 184rb-203ra [**Ed.** *Johannis Gersonis Opera*, ed. Ellies du Pin, 5 vols. (Antwerpiae 1706) II 809-40 **Bibl.** T. Hohmann, 'Initienregister der Werke Heinrichs von Langenstein', *Traditio* 32 (1976) 399-426 at 419 no. 231]) cum tabula (fol. 159ra-rb); Johannes de Capitaneis, ab. Montis Oliveti, Epistola ad Gregorium XII (fol. 87va-101rb [Milan, 29 iun. 1408]); Johannes Dominici O.P., Abusiones (fol. 38ra-40rb [**Ed.** Vincke, *Schriftstücke* 40-54 no. 6, using this MS]. fol. 40rb-41rb [**Ed.** Vincke, *Schriftstücke* 75-86 no. 13, using this MS]); Epistola Michaelis archangeli (fol. 227va-228va); Johannes de Imola, Tractatus de schismate (fol. 291rb-303ra [**Ed.** D. Staffa, 'Tractatus Iohannis ab Imola super schismate occidentis', *RSCI* 7 (1953) 181-224 at 190-241]); Johannes Gundisalvi, Responsiones super quatuor quaestionibus propositis ab archiepiscopo Hispalensi circa papam et concilium (fol. 188va-201va [**Bibl.** Miethke, 'Schriften des Juan González' 283-87]); Jordanus de Ursinis, Glossae in Abusiones Iohannis Dominici (fol. 41rb-45vb [**Ed.** Vincke, *Schriftstücke* 41-55

no. 7, using this MS], fol. 45vb-48rb [Ed. Vincke, *Schriftstücke* 77-88 no. 14, using this MS]); Matthaeus de Mathesillanis, Consilium de schismate cum subscriptione Johannis de Cannetulo (fol. 280ra-282ra [Ed. Paulus Castrensis, *Consilia* I fol. 215ra-va]); Nicolaus de ZZ Bittonio O.F.M., Tractatus de schismate (fol. 163va-175rb [Bibl. Vincke, 'Magister Theologiae' 178-206]), Nicolaus de Fakenham O.F.M., Determinatio de schismate (fol. 150vb-163va [Ed. F. Bliemetzrieder, 'Traktat des Minoritenprovinzials von England fr. Nikolaus de Fakenham (1395) über das grosse Abenländische Schisma', *Archivum Franciscanum Historicum* 1 (1908) 577-600, 2 (1909) 79-91]); Parisiensis Universitas, Conclusiones (fol. 217va-218ra [Ed. Baronius, *Annales* an. 1408 § 40 (ed. Theiner 27.213)]); Paulus de Castro, Consilium de schismate (fol. 275va-278ra [Ed. Vincke, *Schriftstücke* 29-30 no. 2, using this MS; Paulus Castrensis, *Consilia* I fol. 213rb-214ra]); Petrus de Alliaco et Johannes Gerson, Epistola ad Gregorium XII (fol. 29vb-30va [Genoa, 15 sept.; Ed. and Bibl. Jean Gerson, *Oeuvres complètes*, ed. Glorieux II xvi no. 22 and 84-86 no. 22]); Petrus de Alliaco, Decem considerationes circa concordatum Massiliae (fol. 30va-32va [Bibl. Glorieux, 'L'oeuvre littéraire de Pierre d'Ailly' 73]); Epistola Satani (fol. 226va-227va [Ed. C.G.F. Walch, *Monumenta Medii Aevi*, 2 vols. (Göttingen 1757-64; anast. repr. Ridgewood, N.J. 1966) I 253-60]); Petrus de Ancharano, Consilium de schismate (fol. 269va-274vb [Ed. Petrus de Ancharano, *Consilia* fol. 4vb-25rb]); Robertus de Francola, Tractatus de schismate (fol. 228va-247ra [Ed. Martène et Durand, *Thesaurus* II 1428-32, c. 1 only]); Incerti auctores, Apparatus in Professionem fidei Bonifacii VIII (fol. 1vb-3ra [Ed. Finke, *Acta concilii Constanciensis* II 682-88]); Glossae in Abusiones Johannis Dominici (fol. 48rb-62ra [Ed. Vincke, *Schriftstücke* 55-69 no. 8, using this MS], fol. 62ra-65ra [Ed. Vincke, *Schriftstücke* 88-104 no. 15, using this MS]); Glossae in Epistolam Dominus et Salvator (fol. 72rb-73rb, 73va-77va, 78rb-79rb, 79vb-83vb, 84va-85va, 86ra-87va); Somnium Pantasii Lesicani (fol. 175rb-184rb); Quaestio super opinione episcopi Ragusini (fol. 203rb-215vb); Consilia de schismate (fol. 274vb-275va [Ed. Vincke, *Schriftstücke* 32-34 no. 4, using this MS], fol. 278ra-280ra [Ed. Vincke, *Schriftstücke* 34-39 no. 5, using this MS]. fol. 285va-291rb, 304vb-305rb, 309va-310va, 310va-318rb); Considerationes de schismate (fol. 284vb-285va [Ed. Vincke, *Schriftstücke* 134-41 no. 22, using this MS]); Conclusiones de schismate (fol. 290rb-291rb); Tractatus de schismate, imperfectus (fol. 303ra-304vb); Tractatus de schismate (fol. 306rb-309va).

fol. 3ra-29vb, 32va-33rb, 34vb-38ra, 66vb-71rb, 71rb-87va [passim], 101ra-115va <**Auctores varii, Acta de schismate**>: Antonius de Cajetanis, Epistola ad Carolum Malatesta (fol. 114va-115va [Pisa, 26 nov. 1408, Ed. D. Girgensohn, 'Kardinal Antonio Caetani und Gregor XII. in den Jahren 1406-1408: vom Papstmacher zum Papstgegner', QF 64 (1984) 116-226 at 221-26, using this MS: siglum F⁴]); Benedictus XIII, Epistolae (fol. 3ra-4va [20 iun. 1395], fol. 4vb-5ra [28 iun.], fol. 5ra-rb, 5rb-6ra, 37vb-38ra [Ed. Mansi 26.1014-16], fol. 34vb-37vb [Portovenere, 15 iun.; Ed. Mansi 26.1103-09], fol. 37vb-38ra [10 iul.; Ed. Mansi 26.1110-11], fol. 115va-117rb [Ed. Mansi 26.1119-22]); Bononienses doctores, Epistola (fol. 104vb-107ra); Carolus VI rex Francorum, Epistola (fol. 9rb-10vb [Paris, 12 ian. 1407], fol. 10vb-11rb [Paris, 12 ian. 1407], fol. 11rb-vb [Paris, 12

- ian.], *Requesta regis Francorum et ducum* (fol. 3ra); Collegium Avinionense cardinalium, *Epistolae* (fol. 24vb-25rb [Villeneuve d'Avignon, 16 iul.], fol. 66vb-70rb [1408, **Ed.** Mansi 26.1161-63], fol. 103rb-104vb [Pisa, 24 sept., 1408; **Ed.** Mansi 26.1175-79]), *Capitula in conclavi post mortem Clementis VII* (fol. 11vb-12ra [**Ed.** Souchon, *Papstwahlen* I 298-99]); Collegium Romanum cardinalium, *Capitula in conclavi post mortem Bonifacii IX* (fol. 14ra-vb [**Ed.** Souchon, *Papstwahlen* I 280-84]), *Capitula in conclavi post mortem Innocentii VII* (fol. 7rb-8va [**Ed.** Souchon *Papstwahlen* I 287-92]); Collegium unitum cardinalium, *Epistolae* (fol. 65ra-66vb, 70rb-71rb, 71rb-72rb, 73rb-va, 77va-78rb, 79rb-vb, 83vb-84va, 85va-86ra [**Ed.** Mansi 27.50-56], 101rb-103rb [Siena, 1 aug.], *Responsiones ad oratores Venetorum et Florentinorum* (fol. 107ra-109vb [**Ed.** Martène and Durand, *Thesaurus* II 1411-19], fol. 111rb-114va), *Responsio ad rationes Gregorii XII* (fol. 109vb-111rb [5 oct. 1408]), *Declaratio marchionis Montis Ferrati* (fol. 215vb-217va); Gregorius XII, *Epistolae* (fol. 8va-9rb [**Ed.** Mansi 26.1013-14], fol. 25rb-va [**Ed.** Martène and Durand, *Veterum scriptorum ... collectio* VII 754-55], *Refutatio concordati Massiliae* (fol. 25va-29vb); ZZ *Ianuensis communis*, *Instrumenta diplomatica de concordato Massiliae* (fol. 18rb-24vb [**Ed.** Baronius, *Annales* an. 1407 § 4 (ed. Theiner 27.164-66, partial edition)]); *Oratores Avinionenses*, *Oblatio* (fol. 32va-33rb [**Ed.** Vincke, *Schriftstücke* 70-72 no. 10, using this MS]); *Parisiensis Universitas*, *Advisamentum concilio Parisiensi, imperfectum* (fol. 11vb-17ra [**Ed.** Martène et Durand, *Thesaurus* II 1398-40, the MS lacking the last paragraph]), *Requestae factae Carolo VI regi Francorum* (fol. 170rb).
- fol. 117rb-135vb <**Concilium Pisanum** (1409), **Acta contra Gregorium XII et Benedictum XIII**> (See Vat. lat. 4000 fol. 96ra-107rb for further information.)
- Variants:*
- (Textus secundus) Voenteslaus *pro* Wenceslaus; Dimelmensis *pro* Dunelmensis.
- fol. 136ra-143ra <Incertus auctor>, **Sermo in concilio Pisano** (See Vat. lat. 4000 fol. 107rb-112vb for further information.)
- fol. 143ra-150vb **Johannes Luke**, **Sermo in concilio Pisano** (See Vat. lat. 4000 fol. 112vb-119rb for further information.)
- fol. 218ra-222rb <Incertus auctor, **Nomina participantium in concilio Constantiensi**>
- fol. 222rb-223vb <Incertus auctor, **Epistola consolatoria de morte magistri Marsilii**> (See Vat. lat. 4000 fol. 173rb-174ra for further information.) *Variant:*
- (Rubrica) *Epistola de contemptu mortis*.
- fol. 223vb-224va <Incertus auctor, **Tractatulus de gratiarum actione**> (See Vat. lat. 4000 fol. 174ra-va for further information.)
- fol. 224va-226va **Johannes de Cascina** <O.P., **Sermo de gratiarum actione**> (See Vat. lat. 4000 fol. 174va-175vb for further information.)
- fol. 268ra-269va <Incertus auctor>, **Genealogia ducis Mediolani** (See Vat. lat. 4000 fol. 201va-202rb for further information.)
- fol. 321va <**Tabula partis secundae**>
- fol. 322ra-362va <**Petrus de Monte**, **Gesta concilii Basiliensis**> (Pars II) (See Vat. lat. 4185 fol. 1ra-52vb for further information.) *Variant:*
- (Finis) *elargiatur pro* *elargitur* (**Bibl.** *Concilium Basiliense*, ed. Haller I 4 n. 6.)
- fol. 384ra-386vb **Concilium Basiliense (1431-1449)**, <**Epistola XVII**> (See Vat. lat.

4185 fol. 73ra-76ra for further information.) Variant:
 (Rubrica) principis *om.*
 fol. 387vb-517vb <**Auctores varii, Opera polemica**> (See Vat. lat. 4185 fol. 77ra-202vb for further information.).
 Benedictus XII, Const. *Summi magistri*, excerptum (fol. 418rb-va [**Ed.** *Bullarium Romanum* IV 348-86 at 370-71]); Coloniensis Universitas, Consilium, excerpta (fol. 500rb-vb); Cracoviensis Universitas, Consilium (fol. 387vb-417vb [**Ed.** C.E. du Boulay, *Historia Universitatis Parisiensis*, 6 vols. (Parisiis 1665-73) V 479-517]), Consilium, excerpta (fol. 500vb-501rb); Erfurtensis Universitas, Consilium, excerpta (fol. 500rb); Felix V, Epistolae (fol. 483ra-va [15 aug.], fol. 483va-484va [Geneva, 5 apr. 1447]); Lipsiensis Universitas, Consilium, excerpta (fol. 501rb-va); Nicolaus Cusanus, De praesidentia concilii, excerpta (fol. 486vb-487ra), De concordantia catholica, excerpta (fol. 487ra-488va); Panormitanus, Tractatus 'Quoniam veritas', (fol. 422rb-482vb [**Ed.** *Deutsche Reichstagsakten unter Kaiser Friedrich III.*, edd. H. Herre and L. Quidde II.2 (Deutsche Reichstagsakten XVI.2; Göttingen 1957) 440-538]); Viennensis Universitas, Consilium (1442) (fol. 493vb-495ra), excerpta (fol. 501va-vb), Consilium (1440), excerpta (fol. 499vb-va); Incerti auctores, Compendium contra Eugenium IV (fol. 485ra-486vb), Errores in litteris Eugenii IV ad Parisiensem Universitatem (fol. 488va-490ra), Compendium pro iustificatione concilii Basiliensis (fol. 490ra-493vb), Tractatus de reformatione ecclesiae (fol. 495ra-497vb); Tractatus de unione ecclesiae (fol. 497vb-498ra); Tractatus de depositione Eugenii IV (fol. 498ra-499vb), (501vb-517vb). (**Bibl.** T.M. Izbicki, 'Legal and Polemical Manuscripts, 1100-1500, in the Biblioteca Ambrosiana, Milano', *Quaderni Catanesi* 5 (1983) 147-76, 291-320 at 302, describing the parallel collection in MS G 80 sup. fol. 178r-376r.)
 fol. 517vb-528vb <**Concilium Basiliense (1431-1449), Sessiones in Lausanna**> (See Vat. lat. 4185 fol. 203ra-209ra for further information.)

Bibl. *Concilium Basiliense*, ed. Haller I 5 n. 1; Miethke, 'Schriften des Juan González' 287-88 and 302-03.

This MS is the second part of a set, of which the first part is Vat. lat. 4186, reproducing the so called Collectanea of card. Domenico Capranica (see Miethke QF 60 (1980) 302-304 and Girgensohn QF 64 (1984) 221 discussing the MS derivations, which are due to further investigation). Both MSS were written by the same hand, a calligraphic humanistic minuscula in brown ink without any decoration, and both have been occasionally annotated by card. Marco Barbo first and by card. Francesco Todeschini Piccolomini later (see Miethke ZZ note 39). Fol. IIIra-319va of the present MS are directly copied from Vat. lat. 4000 (see Miethke ZZ note 37), the rest from Vat. lat. 4185 (see Miethke note 91). - The MS consists of regular Quiniones with catchwords at the end. Watermarks include an anchor in cercle (type Piccard, WZ Anker IV 31-136) and a hat (similar Briquet 3387-3394). The MS conserves the same medieval binding (red-brown leather on wood covers) as Vat. lat. 4185 (and may be others). Inside the front cover is the same 18th or 19th century mark 'FF N 18' which is to be found in several MSS described above.

Vat. lat. 4227

saec. XIlex./XIIlin.

Prov. Chunradus Aneta sacerdos.

94 fols. memb. 280 (212) x 186 (135) mm, origin Germany. Quaterniones, saec.

XIex./XIIin.

fol. 1r-26bis^r <Incertus auctor, **Commentaria in psalmos 6, 31, 37, 50, 84 et 101**>

Domine ne in furore. Iste psalmus hoc modo intitulatur ... (Finis) id est, omnes sequentes (sequaces *cod.*) eorum, dirigentur in illud seculum, id est, in illam aeternitatem. (Ed. PL 93.511-515, 641-645, 680-686, 747-754, 935-940, 992-999, published under the name of Pseudo-Bede. **Bibl.** W. Hartmann, 'Psalmenkommentare aus der Zeit der Reform und der Frühscholastik', *Studi Gregoriani* 9 (1972) 315-66; Stegmüller, *Repertorium biblicum* II no. 1666.)

fol. 26r-28v <Incertus auctor, **Commentaria in psalmos 129 et 101**>

De profundis clamaui ad te Domine. Hic est uox ascendentis pertinens ad canticum graduum. Debet itaque ... (Finis) quia ego seruus tuus sum. (**Bibl.** Stegmüller, *Repertorium biblicum* II no. 1666.)

fol. 28v-38r <**Origenes, In librum regum homelia I**>

Non tunc tantummodo Deus plantauit paradysum ... (Finis) ut in nouitate uitae ambulem in Christo Ihesu domino nostro cui est gloria et imperium in secula seculorum. Amen. (Ed. PG 12.995-1012.)

fol. 39r-40v <**De sacrilegiis**>, sex capitula

(Rubrica) De capitulari imperatorum ut intelligatur quo facto inmunitas frangatur.

(Textus) Peruenit ad nos quod quedam ecclesiae ac monasteria ... (fol. 40r)

(Capitulum ultimum) Si quis autem ex leui causa ... (Finis) usque dum totum debitum persoluat. (Ed. of the six excerpts: 1) Unidentified, this is a longer version of Ivo, *Decretum* III.100 (PL 161.219); 2) MGH. Capit. 2, edd. A. Boretius and W. Krause, p. 217.13-25; 3) MGH Const. 1, ed. L. Weiland, p. 631.13-17, using this MS: siglum 8; 4) Burchard, *Decretum* XIX.5 int. 136 (PL 140.969C); 5) and 6) MGH Capit. 1, ed. A. Boretius, pp. 113.4-22 and 281.3-29. The last two are run together under the rubric 'De capitulario magni Karoli'.)

fol. 40v-71v, 74v-90v, 92v-93v <**Burchardus Wormacensis, Decretum, excerpta**>

(Rubrica) Incipiunt capitula libri qui corrector uocatur ... (Tabula capitulorum libri) (fol. 43r) (Praefatiuncula) Incipit liber qui corrector uocatur et medicus ... <Rubrica deest.>. (Textus) Ebdomada priori ante initium xl. presbyteri plebium conuocent (ZZ ed. 949) ... (Finis) quia difficile est inter ementes uendentesque commercium non intrare peccatum (ZZ ed. 1003C). (Ed. PL 140.549-1058, passim; and H. Schmitz, *Die Bussbücher und das kanonische Bussverfahren* (Düsseldorf 1898, repr. Graz 1958) 393 and editing only Book XIX at 407-67, using this MS: siglum a. **Bibl.** See Vat. lat. 1355 fol. 1r-310r; and Ballerini, *De antiq. coll.* PL 56.325C; Pelster, 'Decret' 115; F. ZZ Pelster, 'Das Decret Burkards von Worms in einer Redaktion aus dem Beginn der Gregorianischen Reform', *Studi Gregoriani* 1 (1948) 321-51, showing that this group of excerpts is from a *Decretum* MS similar to Vat. lat. 3809, but with an intermediate exemplar. Fol. 40v-71v contain a complete copy of Book XIX, the 'Corrector', ending with a restatement of one of the questions from c. 5. Fol. 74v-90v contain: 21 chapters from Book II (first is c. 66); 29 chapters from Book III, 4 from IV, 4 from VI, 2 from VIII; 2 from IX; 2 from XI; then the *praefatiuncula* for Book XVII followed by all of that book except cc. 47 and 48; finally, the selections end with Book V.46 to VI.1. Fol. 92v-93v contain 4 chapters from Book XI, the first being c. 49, and 11 from Book XIX, the last being c. 95.)

fol. 71v-72r <**Pseudo-Hadrianus papa, Decretum**>

(Rubrica) Bannus episcopalis faciendus incorrigibili ante legitimam excommunicationem. (Textus) Virum hunc, qui hoc aut illud ... (Finis) ut non discat blasphemare. Amen. (Ed. F. Pelster, 'Das Decret Burkards von Worms in einer Redaktion aus dem Beginn der Gregorianischen Reform', *Studi Gregoriani* 1 (1948) 321-51, at 334-36, using this MS: siglum V₂.)

fol. 73r-74v <**Pseudo-Leo IV, Admonitio synodalis**> (See Vat. lat. 1355 fol. 310r-311v for further information.) *Variants:*

<Rubrica deest.> (Text) presbiteri ZZ et MS (Finis) adimpleri *pro* adimplere; nostro Iesu ... secula seculorum. Amen. *om.* (Bibl. Brommer, 'Gesetzgebung Theodulfs' 119(-20) no. 16 on the presence of this text.)

fol. 90v-91v **Concilium Seligenstadense** (1023), imperfectum (canones 1-9)

(Rubrica) Ex concilio in ZZ Saligunstat habito. (Praefatio) In Dei nomine ego Aribo Magontie (Magantie^{ac}) sedis archiepiscopus ... (Canones) (Rubrica) De abstinentia carnis et sagiminis (corporis et sanguinis *ed. male*) in subscriptis temporibus. (Textus) Vt .XIII. dies omnes Christiani ante festiuitatem (festum *ed.*) sancti Iohannis baptistae ... (Finis) fieri equum est (equum est *om. ed.*) officia. (Rubrica) De euangelio in principio erat uerbum et missis peculiaribus /// (Ed. MGH Const. 1, ed. L. Weiland, pp. 633-37.33, not using this MS, which appears to belong to the same class as sigla 4-6. The text breaks off in the middle of the rubric for canon 10. The following piece continues immediately, giving the impression that the rubric belongs to it.)

fol. 91v-92v <Incertus auctor, **Homilia in Matt. 18.20**>

Vbi duo vel tres congregati fuerint in nomine ... dicit Dominus. Dominus ac redemptor noster, fratres karissimi, in euangelio dicit per os æuangelistæ sui ... (Finis) ad eternam uitam mereamini peruenire.

fol. 93v <**Pseudo-Clemens I, Decretum**>

Isti sunt xii. dies ueneris per annum pane et aqua ieiunandi. Ego Clemens Romanus pontifex (parabo uobis uitam eternam *add. cod.*). inueni in canonibus apostolorum ... (Finis) Si istos dies bene obseruaueritis in exitu anime uestre accedunt angeli et ministrabunt uobis in uitam eternam. Amen (in uitam ... Amen. *om. cod.*). (Ed. P. Fournier, 'Un groupe de recueils canoniques italiens des Xe et XIe siècles', *Mémoires de l'Académie des Inscriptions et Belles-Lettres* 40 (1916) 9-213 at 125(-26) n. 1, transcribed from another MS; repr. in Fournier, *Mélanges* II 213-331 at 243(-44) n. 1. See also Vat. lat. 1349 fol. 2va-vb for a different version of this text.)

fol. 94r <**Benedictio cum neumis**>

Bene benigno psalite deuote digno canite ... (Finis) ipsum sequentes P. Deo dicamus gracias. (ZZ Bannister, Monumenti n. 88 This and the next excerpt were added on the originally blank last folio by 43 Inc. hands The first line is repeated at the end in a second hand.)

fol. 94r <Incertus auctor ZZ **Excerpta in Ecclesiasticum** 24.23>

Ego quasi uitis fructificaui etc. Super hoc Bernardus: Partus meus ... Annotatio non habuit exemplum in sexu mulierum ... (Finis) nec partus soluitur pudoris signaculum. (This short text is in a late 12th or 13th-century hand.)

The MS is written in a late Carolingian minuscule in brown ink by perhaps two or three scribes, all of whom write a very similar script and would be from the same scriptorium. That the texts have been bound together from an early age is shown by the title in a late 12th or 13th-century hand at the top of fol. 1r: 'In isto uolumine continetur expositio quorundam psalmorum cum quibusdam aliis libris iuris'. The two texts on fol. 94r were added later. There are no rubrics on fol. 1r-38r. Beginning on fol. 39r, capitals and rubrics are red. Capitals within the text are often highlighted in red. The scribe(s) often did not leave enough room for the rubrics and inscriptions, which then run into the margin and down the side of the page. In the lower margin of fol. 1r is the ex libris 'Iste liber est domni Chunradi sacerdotis cognominati Aneta' in a 13th-century hand. Fol. 94v is blank, with a scrap glued to it (a piece of an old guard folio?) on which there is a line of nonsense letters, perhaps a cipher, and some *probationes pennae* drawn from the text on fol. 1r. The second through fourth quires are marked with large book letters (b, c, and d) on the first recto or last verso; beginning with fol. 39, the quires are marked with red roman numerals, from I to V, with the last appearing on fol. 71r. The last three quires, two quaternions and a ternion, are unmarked. The parchment is of poor quality, with holes in it and mended with yarn. The edges have never been trimmed and are uneven. The folios are lined in dry point; prickings are visible. The leather binding is from the 19th-century. Fol. 38v and 72v are blank.

Vat. lat. 4294

saec. XIII.1

104 fols. memb. 175 (107) x 122 (73) mm, origin France. Octiones, saec. XIII.1.
fol. 1ra-87rb <**Raymundus de Pennaforte O.P. (s.), Summa de casibus poenitentiae**>, post Gregorian recension (See Vat. lat. 2301 fol. 24ra-287vb for further information.) *Variants*:

(Rubrica) Incipit summa de casibus. (Praefatio) Hieronimus *pro* Ieronimus (Colophon) Amen. Explicit summa de casibus.

fol. 87va-101ra **Raymundus <de Pennaforte> O.P., Summa de matrimonio** (See Vat. lat.

2301 fol. 287vb-333vb for further information.) *Variants*:

(Finis) [uiderit] *add. post* addenda (Colophon) a fratre R. de ordine predicatorum compilata. Amen *add. post* matrimonio.

fol. 101v, 102r <**Arbor consanguinitatis et affinitatis**>

fol. 103r-104r <**Innocentius IV, Constitutiones VIII editae ante Conc. Lugd. I (1245)**>

(ZZ constitutis prima) Statuimus ut si quis electionem ... (constitutis ultima) Cum excommunicatio sit medicinalis ... (Finis) per summum pontificem poterit dispensari. (ZZ *Coll.* III 4.7.10.14.15.16.20.19)

Evidence for Innocent's early legislation, hitherto overlooked; see Kessler, *Untersuchungen* I 214-15 and Kuttner, *Medieval Councils, Decretals and Collections of Canon Law, Retractationes* XI for up to date bibliography.

Fol. 1r-101r are written in a very minute gothic textualis in brown ink, with red rubrics and blue/red initials typical for french university manuscripts (Paris?); fol. 1r opens with an illuminated initial. *De matr.* has been separated from *De casib.* by a more elaborate initial and running titles of its own. However, it has been provided in the margins by the scribe with the same kind of short notabilia in red ink which are to be found throughout the text of *De casib.* The same scribe may have filled in the arbores schemes at fol. 101v, 102r. The Constitutiones (fol. 103r-104r) are written in a careful chancery cursive without any rubrics nor decoration; const. 19 was evidently added somewhat later by the same scribe in pale ink; the palaeographical setting suggests a fairly short distance from promulgation of the constitutions; they may well have been transcribed in this MS before the end of the council of Lyons. At fol. 102v are some informal annotations by other 13th-century cursives, including 8 verses de casibus reservatis (Walther,

Initia 9170 and 13976). At fol. 104v is the title *Summa de casibus* written twice in different hands s. XIV/XV and s. XVI/XVII. Through fol. 79 the MS consists of regular Octiones numbered I-V by the scribe of the main texts in red ink at the end. The MS has been rebound in red leather in the late 19th-century. ZZ

Vat. lat. 4318*

saec. XIV

Prov. Michael de Linga (?) O.F.M. **Scr.** Wolfhardus de Welsa.

80 fols. + <II> chart. (memb.: <+I>-<+II>) 218 (170) x 145 (110) mm, origin Austria (Vienna). Seniones, saec. XIV.2.

fol. 3r-12r **Expositio summulae de penitentia metricae**

Ed. of the verses commented upon PL 207.1153-56; cf. Walther, *Initia* 13564, Bloomfield 3812

fol. 13r-47v **Hartmannus sublector (conventus OFM?) Viennensis Expositio summulae Raymundi metricae**

For the verses commented upon see Walther, *Initia* 9117, Bloomfield 2668, F.J. Worstbrock, Magister Adam, in: *Verfasserlexikon* I 47-50

The MS contains a variety of texts from popular literature of devotion, christian instruction and elementary theology, including some notabilia, distinctiones and poems. The main body was written by Wolfhardus de Welsa (see colophon fol. 47v as quoted above and fol. 72r: *Expliciunt questiones sacramentales Wolfhardi de Welsa*) in a small gothic cursive in brown ink with some non professional decoration (fol. 3r a clumsy initial in red ink and black pen work). A somewhat later possession mark at fol. 80r confirms the provenance from a Viennese Franciscan convent: *Iste libellus est fratris Michaelis de Ling(a?) quondam custodis Wynensis de ordine fratrum minorum*. However, soon after this the MS came into the hands of an unidentified layman, who entered some short (nonjuridical) texts on fol. 1r-2v, 21v, 79v and on the added parchment bifolio at the end; note especially fol. 1v-2r a letter (in German) directed to his wife containing last will dispositions and mentioning the villages of Relsberg, Tannstein and Busenberg; at fol. 2v he signs a short tract 'de conflictu misericordiae et veritatis': *scriptum in Relsperg anno domini 1402 in vigilia et die Corporis Christi*, and fol. 11r a note: *scriptum Culne (? or Tulne?) anno domini 1399 in vigilia Corporis Christi*.

The main hand of the MS is the cursive script of Wolfhardus de Welsa written in brown ink: cf. fol. 47v, 72r. Fol. 1r-2v (except the *Nota de poenis* on fol. 2v), 79vb and <+II>ra-b are in a more awkward hand added ca. 1399-1402; cf. fol. 2v and <+II>ra. The text on <+I>v is written in a third hand. Fol. 3r has a red capital with decoration in ink. Fol. ZZ 80r has two ex libris 'Iste liber est fratris' and 'Iste libellus est fratris Michaelis de Linga quondam custodis Wynensis de ordine fratrum minorum.' There are numerous pen trials on fol. 80v and <+I>r. For the watermarks, cf. Briquet nos. 7393 and 15887. The MS has a 19th-century leather binding. <+II>v is blank.

Vat. lat. 4605 (MS is not checked!)

saec. XVI (1505)

Prov. Francesco de Guicciardini. **Scr.** Francesco de Guicciardini.

<I> +137 fols. chart. 340 (261) x 230 (175) mm, origin Italy (Padua). Seniones, saec. XVI (1505).

ZZ fol. 1r-136v **<Franciscus de Guicciardinis, Repertorium in Decretales>**

(Invocatio) Yhesus. (Textus) A. dictio an significet continuationem temporis in c. Licet causam in v columna in principio de foro competenti (*sic*) (X 2.2.10) ... (Finis) uxor aut sit in potestate mariti aut patris in c. Mulieres in principio de sententia excommunicationis (X 5.39.6). (Colophon) Patauii Die 25 martii 1505.

Bibl.: R. Ridolfi, *Vita di Francesco Guicciardini* (2Milano 1982) 11-13, mentioning this MS at p. 353 note 35.

The MS, written in Francesco de Guicciardini's cursive hand in gray ink, is an index to a specific copy of the *Liber Extra*, citing its column numbers. Guicciardini's ex libris appears at <I>r: 'Iste liber est mei Francisci de Guicciardini quem scripsi manu propria'. Fol. 2-127 are numbered in both the upper and lower right corners; the lower foliation repeats 127 and continues one number behind for the rest of the MS. For the watermarks, cf. Briquet nos. 11876 and 5924. The MS has a 19th-century leather binding. <I>v and fol. 137r-v are blank.

Vat. lat. 4614

saec. XV

50 fols. memb. 186 (122) x 130 (92) mm, origin Italy. Quiniones, saec. XV.
fol. 1r-50r <Incertus auctor, forsan **Berengarius Fredoli, Summula in foro**

poenitentiali> (Versio A)

(Rubrica) Incipit summa in foro penitentiali extracta de summa magistri Raymundi utilis et ualde necessaria maxime sacerdotibus super hoc notitiam non habentibus. (Textus) In primis (Primo *cod.*) debet sacerdos interrogare penitentem utrum sciat 'Pater noster' ... (Finis) sicut Moyses Amalech non armis sed orationibus expugnauit. (Colophon) Finis. Laus Deo semper dicatur. Amen. (**Bibl.** Bloomfield, *Incipits* no. 2625; P. Michaud-Quantin, 'La "Summula in foro poenitentiali"' attribué à Bérengar Frédol', SG 11 (1967) 146-167 at 167.)

The MS is in a fine gothic bookhand in dark gray ink. Fol. 1r has a large historiated acanthus initial with the decoration extending the length of the inner margin. Centered in the lower margin is an unidentified coat of arms: a 'P' with a crown above. To the left of the arms is a small miniature. Rubrics are red. Capitals are red or blue. Decorated catchwords are centered. The MS has a 19th-century leather binding.

Vat. lat. 4866

saec. XVin.

I + 235 fols. + III chart. 282 (205) x 207 (149) mm, origin Northern Europe. Seniones, saec. XV.1.

fol. 1ra-114ra, 117va-227rb **Nicolaus Eymericus O.P., Directorium officii**

inquisitorum

(Rubrica) Hic incipit liber inquisitionis compilatus per fratrem Nicolaum Emerici ordinis fratrum predicatorum sacre theologie magistrum cappellanum domini nostri pape ac in terris domini regis Aragonie inquisitorem heretice prauitatis. (Inscriptio) Frater Nicolaus Emerici ... commissariis uicariisque nostris in terris et regnis prefatis ... salutem et prauitatis heretice labem feruenti spiritu extirpare. (Epistola dedicatoria) Ne pia sancte inquisitionis negotia cetui fidelium ... (Praefatio libri primi) Incipit liber primus in quo agitur de prauitate heretica ut uitetur. Prima pars huius directorii officii inquisitionis est ... (fol. 2ra) (Textus) Stephanus papa omnibus episcopis. Dubius in fide infidelis est (X 5.7.1) ... (Finis) et ecclesiam suam sectam contra quam dicere non intendit. (Colophon) Et sic est finis. Deo laus tertie partis seu ultimi libri de heretica prauitate editi per fratrem Nicolaum Emerici ordinis predicatorum sacre theologie professorem. Deo gratias.

- (Ed. Nicolaus Eymericus, *Directorium inquisitorum* (Barchinonae 1503). The edition prints the text in a different order: fol. 200rb-227rb, 1vb-114ra, 117va-200ra. **Bibl.** Kaeppli, *Scriptores* III 156-59, no. 3062; Dondaine, 'Le manuel de l'inquisiteur' 124 and n. 22; E. van der Vekené, *Bibliotheca bibliographica historiae sanctae inquisitionis. Bibliographisches Verzeichnis des gedruckten Schrifttums zur Geschichte und Literatur der Inquisition* 2 vols. (Vaduz 1982/1983) I 15 n. 50, 35 n. 121.)
- fol. 114ra-116ra **Johannes de Dirpheim, episcopus Argentinensis, <Epistola ad clerum suae dioecesis 13. 8. 1317>**
(Inscriptio) Iohannes Dei gratia episcopus Argentinensis uniuersis et singulis abbatibus ... ???? (Textus) Inter alia officii nostri onera ... (Finis) ex debito uos commendet. Datum sabbato ante festum assumptionis beate uirginis anno domini MCCCXVII. (fol. 115vb) (Appendix) Tenor concilii Maguntini de quo supra facta est mentio talis est. Sectam et habitum necnon conuentiuncula ... Item de beginis predictis pestiferis duximus statuendum. (Ed. A. Patschovsky, 'Strassburger Beginenverfolgungen im 14. Jahrhundert', DA 30 (1974) 56-198 at 133-42, using this MS: siglum V.)
- fol. 116ra-rb **Johannes de Dirpheim, episcopus Argentinensis, Epistola ad episcopum ZZ Wormatiensem, 1317 post Augustum**
(Inscriptio) Reuerendo in Christo patri domino Wormaciensi episcopo ??? et ?? (Textus) Reuerende uestre paternitati ... (Finis) ecclesie unitas conseruetur. Datum etc. (Ed. Ed. cit. 143-44, using this MS: siglum V.)
- fol. 116rb-vb **Summarium xxvii articulorum propositorum contra Ricardum FitzRalph, archiepiscopum Armachanum Syllabus XXVII errorum Ricardi FitzRalph archiepiscopi Armachani propositus per Ordines Mendicantes.**
ZZ (Textus) Primus articulus est: Christus per leges naturalem et posituam coactus fuit pauper esse ... (fol. 116vb) (Finis) 27 ... uel uerosimile est quod furati sint sigillum. (The summary covers the points made in ZZ FitzRalph's sermons of 8 or 22 January 1357.)
- fol. 116vb-117va **<Fratres ordinum mendicantium, in XXI articulos contra archiepiscopum Armachanum> (7-10 mar. 1357) Alius syllabus XXI errorum eiusdem propositus in forma appellationis per ordines (7-10 mar. 1357)**
Primus articulus: Confessio facta ordinario est magis segura quam facta fratribus habentibus potestatem ... (Finis) 21 ... que eis dantur in confessionibus et sepulturis. (Colophon) Et sic est finis primi libri inquisitionis. (The colophon refers to the section of the *Directorium* which ended on fol. 114ra. **Bibl.** K. Walsh, *A fourteenth century scholar and primate: Richard FitzRalph in Oxford, Avignon and Armagh* (Oxford 1981) 415-17; Patschovsky, art. cit. 127.)
- fol. 227va-235va **<Tabula operis>**
(Ed. The tabula is printed as an appendix to the 1503 Barcelona edition of the *Directorium*)
- fol. 235va-vb **<Incertus auctor, Relatio de heresiarcha Stephano de Marchia>**
Nouerit reuerenda paternitas orthodoxe fidei pater hereticos nephandos (intrasse om. cod.) Tartariam aquilonarem ... (Finis) dictus antipapa Stephanus capiatur et domino presentetur. (Ed. and **Bibl.** E. Potkowski, 'Heretic Stephan of Marchia', *Studi medievali* 13 (1972) 281-90 at 281-90, using an Emeric MS at Gniezno;

Patschovsky, art. cit. 128ff.)
fol. 235vb <**Colophon codicis**>

Et sic est finis huius libri Deo gratias. Explicit liber inquisitionis heretice
prauitatis compilatus per fratrem Nicolaum Emerici ordinis predicatorum sacre
theologie professorem eximium.

Bibl. H. Denifle, 'Die Handschriften von Eymerichs Directorium Inquisitorum', *Archiv für Litteratur- und Kirchengeschichte des Mittelalters* 1 (1885) 143-45; A. Patschovsky, 'Strassburger Beginnenverfolgungen im 14. Jahrhundert', *DA* 30 (1974) 56-198, describing this MS at 131: siglum V.

The MS is written in a single hand, a clear and very even northern *bastarda*, in black ink. Paragraph signs and the initials of chapters and *quaestiones* are red; inscriptions, lemmata and legal citations are in the ink of the text underlined in red. Catchwords are at the lower right. On fol. 1-200 the foliation is medieval, probably by the scribe, using a mixture of arabic and roman numerals (e.g. 1-8, IX-XII, X3-X9, 20-99, etc.); from fol. 201 the foliation is in an 18th-century hand insert watermark ? On <I>r is the note. 'Vat. 4866. I due fogli di guardia sono adesso Vat. lat. 10646 ff. 33, 34. 8.1.1907'; cf. Vattasso-Carusi 591, no. 14. The guard folios so removed are fragments of a 12th/13th-century Gradual. The present pastedowns are pages from a 15th-century paper theological MS. The MS has a 15th-century northern European binding, probably of monastic origin, of red leather over wood, blindstamped with four designs in cartouches (double-eagle, rosette, palmette, and fleur-de-lis) with scattered small stars and rosettes. Traces of clasps remain. <I>v, and +<I>r-<III>v are blank.

Vat. lat. 4873 (Ms is not checked)

saec. XVI (1566)

Scr. Vincentius Navarra.

170 fols. chart. 331 (230) x 226 (160) mm, origin Italy (Rome). Quaterniones, saec. XVI (1566).

fol. 1r-161v <**Pseudo-Isidorus, Decretales** (See Vat. lat. 630 fol. 1va-309rb for further information.) *Variants:*

(Rubrica) Epistolae ? praeceptorum sancti Clementis papae missa ? Iacobo frater Domini. (Inscriptio) Clemens Romanae ecclesiae praesul Iacobo charissimo Hierosolymorum episcopo. (Textus) Quoniam sicut a beato Petro apostolo accepimus ... (Finis) cum quo Patri et Spiritui sancto gloria, honor, imperium (in perpetuum^{ac}) et potestas in saecula saeculorum. Amen. Dominus uos custodiat dilectissimi fratres incolumes semper. Data viii. kl. nouembris. Flauio et Stilicone uiro uenerabili clarissimo consulibus. (**Ed.** *Decretales pseudo-Isidorianae*, ed. Hinschius, pp. 46-252, 449-508. Most variants of this MS are characteristic of Hinschius's class A-2, as noted for 'Sg.Bb.Dst')

fol. 161v-170v **Gregorius <I (s.), Epistolae 15>**

(Inscriptio) Gregorius Bacaudae episcopo Formiensi. (Textus) Et temporis necessitas nos perurget ... (Epistola ultima) (Inscriptio) Gregorius Antonino subdiacono. (Textus) Honoratus archidiaconus ecclesiae Salonitanae, a sanctae memoriae ... (Finis) ad propria (proria *cod.*) cum securitate ualeat remeare. (**Ed.** MGH Epp. 1, ed. P. Ewald and L. Hartmann, pp. 10-120, passim (I 8, 15, 19, 23-24, 33-34, 40, 51, 66, 76, 79, 82; II 17 and 22). **Bibl.** JE 1075, 1083, 1087, 1091, 1092, 1103, 1104, 1110, 1121, 1135, 1145, 1147, 1151, 1169, and 1175.)

Bibl. *Decretales pseudo-Isidorianae*, ed. Hinschius, p. xlvii; Williams, *Codices pseudo-Isidoriani* 68-69; Ballerini, *De antiq. coll.* PL 56.263 n. 30; *Collectio canonum Remedio Curiensi episcopo perperam adscripta*, ed. H. John (MIC Ser. B, Corpus collectionum 2; Città del Vaticano 1976) 63-64, 78, and 81 n. 96, assigning this copy of the Pseudo-Isidorean Decretals to his class A2_R.

The MS is written in black ink in several secretarial cursive hands. There are obvious changes of hand at fol. 40v, 82v/83r, 84r, 84v, 88r/89v, 90r, and 134v. The last scribe signed fol. 170v: 'MDLXVI Vincentius Navarra Bibliotecae Vaticanae sanctissimi? scriptor'. Each scribe made a few marginal corrections as he was writing. There is no decoration. For watermarks, cf. Briquet no. 1884. The old light brown leather binding on wood boards has lost its clasps, it is probably original.

Vat. lat. 4880 (Ms is not checked!)

saec. XII.2

191 fols. memb. 373 (260) x 262 (183) mm, origin Italy. Quaterniones, saec. XII.2.
fol. 1ra-191vb <**Burchardus Wormatiensis, Decretum**>, **imperfectum** (See Vat. lat.

1355 fol. 1r-310r for further information.) *Variants*:

<Praefatio deest et tabula libri primi incipit cum cap. clvii in med.> (Rubrica textus) Capitulo primo *add. post rubricam* (Textus) autem *add. al.man.* ... (fol. 191va) (Rubrica) De penis impiorum. (Textus) Sicut fasciculi lignorum ... (Finis) qui nunc electi esse uidentur et sancti (ed. 1052A) ///

fol. 92r <**Arbor consanguinitatis**>

(**Bibl.** Schadt, *Arbores* 116, 121, and plate 46, discussing this *arbor* as an example of the Italian form of the Burchardian schema; G. Ladner, 'Medieval and Modern Understanding of Symbolism, a Comparison', *Images and Ideas in the Middle Ages*, 2 vols. (Rome 1983) I 239-82 at 269 and fig. 17.)

Bibl. Fransen, 'La Tradition' 115-16, discussing the variants in Book XII; Pelster, 'Decret' 144; *Coll. Farfensis*, ed. Kölzer § 49 n. 157; Brommer, 'Gesetzgebung Theodulfs' 119(-20) no. 16, on the presence of the 'Admonitio synodalis'.

At least one folio is missing at the beginning, another at the end. The *praefatiunculae* are present after the tables of titles and are treated as a long rubric preceding the first chapter. The inscriptions identifying the canons are written in the margin by the scribe; however, many are missing. The ordo synodi appears after Book III (fol. 68va-79ra) in the alternate form found in Vat. lat. 1355, ZZ q.v. The ordo infirmorum is in place, but it is not the ordo found in the edition, varying considerably in the rubrics; this alternate form is also found in Vat. lat. 7790 and 14731. The *admonitio synodalis* appears after Book XIX /fol. 175vb-177ra). As to the characteristic lacunae noted by Fransen, they are not present, although signs of previous confusion are evident in Books VIII and XII. There are many bad readings.

The MS is written in Italian Carolingian minuscule by several alternating hands with sporadic corrections in a contemporary hand. There are a few notes in a 16th-century hand. Each book opens with a large initial in Italian romanesque white vine design on a multicolored field. Rubrics and capitals are red. Some interior capitals are washed in red. Quires are marked by 'Q' plus a roman numeral. The folios are lined in dry point; prickings are visible. The 19th-century leather and parchment binding has remnants of a 17th-century binding.

Vat. lat. 4885

saec. XI.2

Prov. Rome, canons of S. Lorenzo in Damaso

168 fols. memb. 292 (222) x 191 (110) mm. Quaterniones, saec. XI.2

fol. ZZ 1r-2r <**Martyrologium**>, imperfectum

(beg. May 6) <Ro>mam perductus et presenti senatu ante porta latina in feruentis olei dolio missus est ... (Finis) item sancte Columbe uirginis. Et aliorum sanctorum plurimorum apostolorum martirum et confessorum atque uirginum.

The first part of the Martyrologium (Jan. 1- May 6) is now MS Barb. lat 646 (XIV.19) fol. 1-8, not in Barb. lat. 610 (XIII.19); cf. Salmon IV 354; Supino Martini 89f.

fol. 12v-165v <**Institutio canonicorum Aquisgranensis aucta**>, (See Vat. lat. 1351 fd. 1r-92v for further information.) *Variants:*

<Tabula deest.> (Cc. 115 and 122 are missing. **Bibl.** Fonesca, *Medioevo canonice* 81-91 and Plate I, of fol. 115v; C. Egger, 'De antiquis regulis canonicorum regularium', *Ordo canonicus: Commentarium canonicorum regularum S. Augustini* 1 (1946) 35-60 at 48-49); A. Amiet, 'Die liturgische Gesetzgebung der deutschen Reichskirche in der Zeit der sächsischen Kaiser 922-1023', *Zeitschrift für Schweizerische Kirchengeschichte* 70 (1976) 1-106 and 209-307 at p. 82 n. 3 quoting from fol. 150r-v.

fol. 165v-166v <**Pseudo-Atticus, episcopus Constantinopolitanus, Regula formatarum**> (See Vat. lat. ZZ 1343 fol. 173r-v for further information.)

Variants:

(Rubrica) Incipit epistola formota (*sic*) Attici episcopi constantinopolitani. (The text is followed by a table of correspondences between roman numerals and greek letters.

fol. 166v <**Concilium Romanum I**> (743) c.3 (See Vat. lat. 1351 fol. 93v for further information.)

fol. 166v-167v **Isidorus <Hispalensis (s.) ZZ Regula monachorum. c. 17>**, de delictis imperfectum (See Vat. lat. 1351 fol. 93v-94r for further information.) *Variants:* (Finis) diurna per diuturna.

fol. 168r-v **Excerpta quaedam de ieiunio ordinandorum**

(Rubrica) Leo papa de ieiunio mensis decembris. (Textus) Huius observantae utilitas dilectissimi in ecclesiasticis precipue est constituta add. ieiuniis ...

(Textus ultimus) Si eum omnes eligunt ... (Finis) necesse est eum usque ad quarti mensis ieiuniis sustinere. (This group of five texts on fasting consists of Leo I, *Sermo* 19 c. 2 (PL 54.186); Gelasius I, *Decretum generale* 13 (*Decretales Pseudo-Isidoriane*, ed. Hinschius 652 c.13); idem, *Epistola ad Corvinium diaconum* (ed. P. Ewald, 'Die Papstbriefe der Britischen Sammlung', NA 5 (1880) 275-414, 505-596 at 510 n. 2); an unidentified excerpt attributed to Leo (I?): 'Leo papa clare ostendit dicens: Repletis namque apostolis ... charismatibus conferendis' ZZ, and Pelagius I, *Epistola(?) ad Tullianum episcopum Grumentinum* (cf. Ivo of Chartres, *Decretum* 6.112, PL 161.472).

fol. 168v <**Initia orationum omnium sanctorum et primarum**>

Bibl. C. Egger, 'De antiquis regulis ZZ canonicorum regularium', *Ordo canonicus: Commentarium canonicorum regularium S. Augustini* 1 (1946) 35-60 at 52 on the

provenance of the MS; Fonseca, *Medioevo canonice* 81-91; Salomon IV 354; Supino Martini 88-90 and plate XV of fol. 5.

The MS is written in a single late Carolingian hand in gold-brown ink. The *Institutio* begins with a large decorated initial filled in with a colored wash and two lines of display script washed in red. Chapters begin with smaller initials in red and single lines of display script; capitals are washed in red. There are occasional corrections in contemporary hands and marginal notes in several later hands. The martyrology shows occasional additions and erasures. So far 4885 was written all the way by the same scribe, whereas the texts at fol. 168r-v (Excerpta de ieiunio ordinandorum. Initia orationum) have been added later by two different carolingian minuscules (less formally). There is a triangular tear in fol 79, and some folios have uneven edges. The MS was refoliated after the first quire (now Barb. lat. 646 fol. 1-8) was detached; the old foliation is still visible. ZZ Pricking are sometimes visible. The second and third quires are marked 'i.' and 'ii.' respectively at the center of the lower edge of the last folio, and the first recto of the next quire is marked 'iii.' All quires have been marked by a later hand with capitals C (fol. 1r) - Z (fol. 61r) at the lower corner of the first rectos. Catchwords are only rarely indicated (e.g. fol. 104v, 144v, 160v). On the inside front cover is the marking 'E.N.20 4885'; the MS has an old red leather binding.

Vat. lat. 4886

saec. XVI (c. 1577)

Prov. Antonio ZZ Augustín, bp of Lerida (1561-77).

140 fols. chart. ZZ pars I (fol. 1-90) 279 (211) x 208 (132) mm; pars II (fol. 91-149) 312 (235) x 228 (150) mm, origin Spain. Quiniones, saec. XVI (c.1577).

fol. 1r-90r **Concilia Toletana XIII-XVII** (See Vat. lat. 3458 for further information.)
fol. 91r-119r <**Collectio Vaticani latini 3929**>. excerpta (see Vat. lat. 3829 fol. 3v-279v for further information.) *Variants:*

(Rubrica) Decreta Honorii papae. Vt qui episcopus ordinatur, prius omni suspitione purguetur (*sic*), quam pallium uel cetera priuilegia obtineat.

(Inscriptio) Honorius Joanni, Andreae, Stephano et Donato episcopis. Presentium latores iuxta ecclesiasticum pallium (The excerpts correspond to Vat. lat. 3829)

fol. 255v-279v. **Bibl.** Fournier-LeBras, *Histoire* II 211.)

fol. 119r <**Concilium Lateranense**> (1110), c. 1 (see Vat. lat. 3829 fol. 282r for further information.)

fol. 119r-120v <**Concilium Lateranense**> (1112), canones (See Vat. lat. 3829 fol. 282r-283r for further information.)

fol. 120v-121r <**Pseudo->Leo IX ZZ, Epistola** (See Vat. lat. 3829 fol. 283r for further information.)

fol. 121 r-v **Nicolaus I (s.), Epistola ad Brindico (check!) episcopum** (JL 2855) (See Vat. lat. 3829 fol. 283v for further information.)

fol. 121v **Urbanus II, Epistola ad Vitalem presbyterum** (JL 5740) (See Vat. lat. 3829 fol. 283v for further information.) *Variants:*

(Inscriptio) Pruuiensi *pro* Bruuiensi; cetera *pro* alia; emerint *pro* emerunt.

fol. 121v <**Concilium Romanum** (1059)> c. 5 (ZZ Ed. MGH Const. I 547 under 2322)
Variants:

seu quaecumque oblationes uiuorum et mortuorum ecclesiis Dei fideliter reddantur

ZZ fol. 122r <**Pseudo-Eugenius II**> **Decretum** (See Vat. lat. 1351 fol. 94v for further information. *Variants:*

- (Rubrica) Eugenii papae. Ut monachi parrochialia non agant ... (Textus) consilio nostro ... (Finis) u. s. respondit: Placet, (Tibertinus om.) et ceteri responderunt: Confirmamus sententiam uestram.
- ZZ fol. 122r **Decretum concilii Ivonam** (1095) see xxxxxxx Migne 20.72. and see Mansi 20.789.90, JL p. 671, IP VIII p. 24 n. 76*; and correct VL 3829! *Variants:* fere om., abbatum, coniugata, nemo tantam
- fol. 122v **Zosimus papa (s.) ZZ Epistola ad Hestium** (JE 339), imperfecta (See Vat. lat. 3829 fol 280v for further information.) *Variants:* opera pro stipendia.
- fol. 122v-126r <**Concilium Lateranense II**> (1139) (See Vat. lat. 1340 fol. 370ra-371vb for further information.) *Variants:* <Tabula deest> (Inscriptio) Innocentius II in concilio Romano
- fol. 126r-v <Incertus auctor, **Epistola de materia usurae**> (See Vat. lat. 3829 fol. 287r for further information.) *Variants:* (Inscriptio) G. om. dicto magistro (Textus) nos ZZ pro nonsense iu...
- fol. 127r **Nicolaus I (s.), Responsio ad Bulgarorum consulta** (JE 28 12) c.92 (Rubrica *margin.*) Nicolaus ad consulta Bulgarorum cap. 92. (Inscriptio) Nicolaus papa. (Textus) Desideratis nosse, quod (qui *cod.*) sint ueraciter patriarchae ... (Finis) urbs illa Aelia uocitetur. (Ed. MGH Epp. 6, ed. E. Perels, pp. 596-7).
- fol. 127r-128r **Alexander II <Synodus Romana (1063)>** (JL 4501) (Inscriptio) Alexander episcopus ... et apostolicam benedictionem (Textus) Vigilantia uniuersalis regiminis assiduam ... (Finis) atque benedictione et absolutione gaudere. ZZ Valet. (Ed. PL 146.1289-90, missing §§9-10.)
- fol. 128v **Johannes VIII, Epistola ad Willibertum** (JE 2986), excerptum (Inscriptio) <Io>annis papae Waliberto (*sic*) Agrippinensi episcopo. (Textus) Pallii namque usus inter cetera tantae uirtutis est ... (Finis) priuilegia peruenire non meruit. (Ed. and Bibl. See Vat. lat. 1326 fol. 211v-212v. This excerpt corresponds to p. 314 lines 8-15 of the edition.)
- fol. 128v **Gregorius VII (s.), <Concilium Romanum>** (Quadr. 1080) c. 6 (Rubrica) Ex decretis ZZ Greg. VII (Textus) Quotiens defuncto episcopo (pastore alicuius ecclesie *ed.*) alius est surrogandus ... (Finis) electionem declinauerit eligendi potestate priuatur. (Ed. MGH Epp. sel. 2.2, ed. E. Caspar, p. 482.)
- fol. 128v-129r <Incertus auctor, **Libellus de lite**, excerptum> (Rubrica) Iulii PP. qui fuit xxxvi post Petrum. (Textus) Si quis ab hodierna die ... (Finis) desolatio sacri loci efficitur. (Ed. J.J. Ryan, 'Bernold of Constance and an anonymus *libellus de lite*, *Archivum historiae pontificiae* 4 (1966) 9-24 at 22-223, from Vat. lat. 3832 fol. 194r-195r, ZZ q.v. The first part of the excerpt ZZ (to carere perpetim honore) appears in the *Decretales pseudo-Isidoriani*, ed. Hinschius p. 460. The second section (beginning *Licet itaque*) appear in the *Liber Tarraconenssis*, cf. Paris, BN lat. 4281 B fol. 152r.)
- fol. 129r-v <Auctores varii, **De eucharistia**, excerpta> (Rubrica) Sermo S. Augustini de sacramento corporis et sanguinis Domini (Textus) Verum sub figura, an sub ueritate ... (Rubrica ultima) Isidorus de sacramento. Sacrificium dictum, quasi sacrum factum ... (Finis) pro nobis dominicae passionis. (This series of seven short excerpts includes passages from:

- 1) Paschasius Radbertus, *De corpore et sanguine Domini* (CCLM 16.27 lines 1-5); 2) Eph. 1.7, drawn from Jerome's commentary on the epistle; 3) Eusebius Gallicanus, *Homelia XVII* (CCL 101.196 lines 13-15; cf. *De cons.* 2.35); 4) Hilarius Pictaviensis, *De Trinitate* 8.13 (CCL 62 p. 325); 5) Ambrosius, *De sacramentis* 6.1 (PL 16.473); 6) Concilium Ephesinum (*Conc. oec. decr.*, ed P. Joannou pp. 54-55), and 7) Isidorus Hispalensis, *Etymologiae* 6.38 (Pl82.255).)
- fol. 129v-131r **Johannes VIII <Epistola ad ecclesiae Narbonensi et provinciarum Hispanicum de concilio Tricassinum II> (878) Johannes VIII, Lex sacrilegum edita in concilio ZZ Trecensi (878)**
 (Rubrica) Lex sacrilegum edita a Ioanne PP coram serenissimo Luduuico imperatore et episcopis LIII in concilio Trecasensi et eorum auctoritate iuncta Gothicae legi per defectum sacrilegii. (Inscriptio) Ioannes episcopus seruus seruorum Dei omnibus episcopis per Narbonensem atque Hispanicas prouincias ... cum benedictione apostolica. (Textus) Auctore omnipotenti Deo mediante (anno *om.*) incarnationis domini nostri Iesu Christi DCCCLXXXVIII (*sic*) .XV. K. Sept. Ind. I domno uidelicet Ludouico serenissimo rege anno I. actum est hoc a nobis apud urbem Trechas pro statu Dei ecclesiae synodale concilium. In quo concilio primo quaesitum est ... (Finis) ecclesia eos generaliter anathematizat. (Subscriptio) Et subscripserunt Ioannes episcopus servus servorum Dei cum X archiepiscopis et XLI episcopis. (**Ed.** and **Bibl.** S. Kuttner and W. Hartmann, 'A new version of Pope John VIII's decree on sacrilege (Council of Troyes, 878)', *BMCL* 17 (1987) 1-32 with the edition at 6-8, using this MS (siglum V); H. Mordek and G. Schmitz, 'Papst Johannes VIII. und das Konzil von Toyes (878)', *Geschichtsschreibung und geistiges Leben im Mittelalter. Festschrift für Heinz Löwe zum 65. Geburtstag* (Köln 1978) 179-225, esp. 187.)
- fol. 131-133v **Gelasius I (s.), Epistolae** (JK 693, 725, 675, 638)
 (Rubrica) Ex decretis Gelasii PP. (Textus) Quicumque igitur anni ... (fol. 132r) (Epistola ultima) Audientes orthodoxam ... (Finis) et plena caritate suscipiat. Data III nonas augusti. Asterio et Praesidio consulibus. (ZZ **Ed.** Epistulae Romanorum pontificum genuinae ..., ed. A. Thiel (Brunsbergae 1868; rep. Hildesheim-New York 1974) 502-03, 451-52, 379-80, 382-85. The first letter is incomplete.)
- ZZ fol. 134r-136v <**Antonius Augustinus, Index epistolarum Romanorum pontificum in> Collectione Avellana**
 (Rubrica) Ex eodem libro Marcelli pape II. (Rubrica secunda) Innocentius. (Textus) Epistolae 3 ad episcopos quinque ... Fraternitatis uestrae litteras plenas ... (Finis) Quomodo igitur per litteras, etc. (The index is probably derived from older of Marcello Cervini's two MSS of the Collectio Avellana, Vat. lat. 4961. **Bibl.** G. Mercati, *Codici latini Pico Grimani Pio* (Studi e Testi 75; Città del Vaticano 1938) 129.)
- fol. 137r-138r <**Pseudo->Bonifacius IV ZZ , Decretum** (JE †1966) (See Vat. lat. 1358 fol. 106ra-rb for further information. The present copy represents from A (see Constable 569); for the rubric see the *Correctores* to C. 16 q. 1 c.25 (Friedberg 767). *Variants*:
 (Rubrica) Ex concilio domini Bonifacii papae qui quartus a beato Gregorio, quomodo monachis liceat cum sacerdotali officio ZZ ubi uel ubi ministrare.

(Textus) sunt nonnulli fulti nullo dogmate adacissime quidem (Finis) tanto est et in his potentior.

fol. 138r-v **Urbanus II, Decretum** (JL 5760)

(Rubrica) Ex decreto Vrbani PP II. (Textus) Due sunt, inquit, leges ... (Finis) non estis ZZ sub legi (**Ed.** Mansi 20.714).

fol. 138v-139r **Johannes IV, Epistola** (JE †2043)

(Rubrica) Joannes papa Ysaac Siracusano episcopo. (Textus) Visis litteris caritatis uestre ... (Finis) sacerdotum piacula resecuntur (reserentur^{ac}). (**Ed.** Mansi 10.697.)

Bibl. Kuttner, 'Some Roman Manuscripts' 7 (-8) n. 4, 21 and nn. 58-60, 22 n. 63; Fournier-LeBras, *Histoire* II 210-11.

The MS was made at the order of Antonio Agustín and contains texts transcribed from various MSS he owned or was able to borrow for the purpose. It could have been intended from the start for the *Correctores Romani*, to whom Agustín dispatched it c. 1577, through Filippo Sega, papal nuncio to Spain (1577-82) and bishop of Piacenza (1578-96), as is recorded in the note on fol. 140r: 'hoc uolumen misit P. episcopus Placentinus ex Hispa<nia> ad Congregationem'.

The MS consists of three unequal sections, written in several Italic cursive hands in brown ink which has penetrated the paper to the point of illegibility in some places (especially fol. 137-139). The first (fol. 1-90) and second (fol. 91-126) sections are each in a single hand; there are three hands in the final section (fol. 127-131, 132-136, 137-139). The only form of decoration is the occasional use of display script in the ink of the text. Fol. 1-90, smaller than the rest of the MS, were mounted on strips for binding. Some of the MSS sources of Vat. lat. 4886 were indicated in headings by scribes or in marginal notes by annotators. The note 'Ex libro Veronensi Nic.ZZ Ormanetti' in the upper margin of fol. 91r refers to Vat. lat. 3829 (q.v.). Fol. 127r is headed 'Ex ueteri libro Achilli Statii', now identified by W. Hartmann as Vallicelliana MS B.89; fol. 127r-130r are excerpted from that MS fol. 19r-24v. 'Ex libro Achilli Maffei Rom.' appears in the upper left corner of fol. 131v. A MS belonging to Marcellus II (probably Vat. lat. 4961) was cited twice, on fol. 132r (for the last of the Gelasian letters) and fol. 134r (the Avellana index). There are frequent marginal notes, including cross-references to Gratian and other collections, and occasional longer annotations in several hands, among them those of Agustín himself (e.g. fol. 116r, 123r) and perhaps Miguel Tomás Taxaquet, the secretary of the *Correctores Romani* (e.g. fol. 116v-118r). (The MS is cited in Taxaquet's draft for the *Notae* of the Roman edition of Gratian, Vat. lat. 4890; cf. Kuttner, art. cit. 21 and nn. 60-62.) The leaves of the MS have been overlaid with silk, obscuring the watermarks as well as reducing legibility. The parchment binding dates from the second half of the 19th-century. Fol. 90v, 139v, and 140v are blank.

Vat. lat. 4887

saec. XVI (ante 1575)

<I> + 318 fols. + 77bis chart. 295 (208) x 206 (185) mm, origin Spain. Quiniones, saec. XVI (ante 1575).

<I>r-v Tabula codicis

(**Ed.** *El codice Lucense de la coleccion canonica Hispana*, ed. Garcia Goldaraz, 3 vols. (Roma 1954) III 11-12, from this MS.)

fol. 2r-v **Gasparus Quiroga, episcopus Conchiensis, Epistola dedicatoria ad papam**

Gregorium XIII, Madrid, 18 march 1575

(Inscriptio) Sanctissimo domino nostro Gregorio XIII ... post humillima pedum oscula S.P.D. (Textus) Cum multa quotidie beneficia ... (Finis) ecclesiae suae quam diutissime conseruet. (Datum) Madriti XV. Kalendas Aprilis M.D.LXXV. (Ed. Ed. cit. III 13-14, from this MS. Bibl. ZZ Ae. Richter, *De emendatoribus Gratiani* (Lipsiae 1835) 42 n. 18.)

fol. 3r-5r **Johannes Baptista Perezus <Praefatio ad lectorem>**

(Ed. Ed. cit. III 15-18, from this MS.)

fol. 9r-12r **Tabula conciliorum et epistolarum R. pontificum quae in codice Lucensi continentur**

(Ed. Ed. cit. III 19-27, from this MS. The table is keyed to the printed text used for the collation.)

fol. 13r-122r **<Excerpta canonum codicis Lucensis>**

(Rubrica) In nomine domini nostri Ihesu Christi. Incipit liber canonum sanctorum patrum generaliter. (Praefatio) (Rubrica) Incipit uersificatio interrogatio. (Textus) Celsa terribilis codex qui sede locaris ... Vt facias in me digna compendia multis. (fol. 15r) <Tabula titulorum> ... (fol. 16v) (Rubrica textus) Titulus primus. De quibus non sunt clerici ordinandi. (Textus) De eunuchis qui se ipsos absciderunt. Concilio Nicaeno titulo 1. a capite 1. ... (Finis) epistola Gregorii ad Recaredum regem tit. vii a cap. cii^a (Colophon) Finis libri decimi et ultimi. (Ed. Ed. cit. I 171-366, from this MS.)

fol. 128r-287r **Conciliorum Hispaniensium collatio cum editione Surii**

(Rubrica) Concilia Hispaniensia impressa collata cum uetustis codicibus manuscriptis. (Praefatio) (Inscriptio) Lectori. (Textus) Concilia impressa, quibus nos in obseruandis his uariis lectionibus uti sumus ... (fol. 129r) item aliud Tolentanum anno primo Chintillae. (fol. 130r) (Rubrica textus) Eliberini concilii ZZ uarii lectiones (Textus) Non Eliberinum sed Eliberritanum uocatur ... (Finis) octo episcoporum nomina sunt posita, ZZ (Colophon) Hispalensis secundi. Post concilium Hispalense secundum sequitur in hoc codice L<ucensi> concilium Emeritense. (Ed. Ed. cit. III 29-216, from this MS.)

fol. 288r-303r **Concilium Emeritense (666)**

(Rubrica) Concilium ZZ Emeritense (Inscriptio) In nomine Patris et Filii et Spiritus sancti. (Praefatio) Synodum quod gestum est in prouincia Lusitaniae apud urbem Emeritensem ... <Tabula capitulorum> ... (fol. 289r) (Textus) Congregatis nobis omnibus prouinciae Lusitanae episcopis in nomine Domini ... (Finis) Aloarius indnens (*sic*, forte indignus ZZ in *marg.*) sanctae Calabriensis ecclesiae episcopus similiter. (fol. 303r) Emeritense concilium si temporis ordo spectetur, collocandum erit inter ZZ decimum et undecimum Toletana. (Ed. Ed. cit. II 907-28, from this MS.)

fol. 304r-310r **Leo <II (s.)>, Epistolae** (JK 2119, 2122, 2121, 2120)

(Rubrica) (Praefatio scriptoris) Lectori. Ex uetusto codice Gothico conciliorum ... impressa in fine concilii Constantinopolitani fol. 1031, de hac ipsa re. (Inscriptio) Delictissimis fratribus uniuersis ecclesiarum Christi praesulibus per Hispaniam constitutis, Leo. (Textus) Cum diuersa sint hominum studia, quibus humana dispensari creditur uita ... (fol. 308r) (Epistola ultima) (Inscriptio) Domino excellentissimo filio Eruigio regi, Leo. (Textus) Cum unus extet rex omnium

- Deus, qui cuncta creauit ex nihilo ... (Finis) ZZ Incolumem excellentiam uestram gratia superna custodiat. Finis (**Ed.** Ed. cit. I 350-61, from this MS.)
- fol. 310r-v **Benedictus <II (s.)>, Epistola ad Petrum notarium** (JK 2125)
 (Inscriptio) Benedictus presbyter et in diem electus sanctae sedis apostolicae, Petro notario regionario. (Textus) Iuxta quod tuam strenuitatem apostolicae memoriae dominus Leo PP. Hispanam prouinciam ire disposuit ... (Finis) per rectae atque apostolicae fidei confessionem adipisci. (Colophon) Benedictus gratia Dei et electus sanctae sedis apostolicae. (**Ed.** Ed. cit. I 362-62, from this MS.)
- fol. 314r-316v <**Sententiae quaedam ex codice Lucensi**>
 (Rubrica) Sententiae quae in ueteribus exemplaribus conciliorum non habentur sed a quibusdam in ipsis inserta sunt. I. De rebus episcopi propriis adquisitis. (Textus) Quicquid episcopus de suo proprio habet ... (Sententia ultima) (Rubrica) XXIII. De scurrilibus et iocularibus clericis. (Textus) Clericum scurrilem et uerbis turpibus ioculari ab officio retrahendum. Finis. (**Ed.** Ed. cit. II 929-35, from this MS.)

Ed. and Bibl. The entire MS is printed in *El codice Lucense de la coleccion canonica Hispana*, ed. E. Garcia Goldaraz, 3 vols. (Roma 1954); see especially I 26-28, 48, 57-140, 91-95 (describing the MS), and 121-140 on the use of Pérez's work by the *Correctores Romani*. (The sections which were transcribed from the Lugo MS are incorporated into Garcia Goldaraz's reconstruction of the MS; commentary and notes on variant readings are printed separately.) There are plates of fol. 198r and 202v between pp. 118-19. See also Ballerini, *De antiq. coll.* PL 56.234-58, 291-96, printing extensive excerpts; Kuttner, 'Some Roman Manuscripts', 23 n. 72; de Aldama, 'Simbolo' 2 n. 6, 3 n. 9, 13; *Decretum Gelasianum*, ed. Dobschutz 168-69, mentioning this MS (siglum H); Martinus episcopus Bracarenensis, *Opera omnia*, ed. C.W. Barlow (Papers and Monographs of the American Academy in Rome 12; 1950) 101 n. 22.

This MS together with Vat. lat. 4888 and a MS now lost formed a set of three codices containing Juan Bautista Pérez's studies of MSS of the Spanish councils, undertaken at the orders of Gaspar Quiroga, bishop of Cuenca, in response to Gregory XIII's request for information for the use of the *Correctores Romani*. The two surviving MSS have separate covering letters, the one here dated April 1575. (On the lost MS, cf. *El codice Lucense* I 99-103.) Pérez collated his MSS (primarily the especially old and unusually complete *Codex Lucensis*, which perished in a fire at the Escorial in 1671) with the 1567 printed edition of Laurentius Surius. The resulting work is partly transcription, partly a record of variant readings.

The MS is written in dark brown ink, in several fine Italic cursive hands. Display script is used at the beginning of each council, bookhand for some rubrics. Catchwords are at the lower right; one of the scribes used them on each page. Running titles appear on the recto of most folios. There are marginal notes in several hands, including those of Pérez himself and some of the *Correctores*. A 19th-century mark, 'E. no. 20', and the Vatican shelfmark, '4887' appear on fol. 1r. Fol. 1r is an elaborate title page; cf. ed. cit. III 9 for the text. For the watermarks. cf. Briquet 11297. The MS is in a late 19th-century parchment binding, Fol. 224v is blank except for the note: 'Nihil hic deest'. Fol. 1v, 5v-8v, 12v, 122v-127v, 129v, 179v, 225r, 287v, 303v, 311r-313v, and 317r-318v are blank.

antea E N. 20.

110 fols. chart. 292 (214) x 210 (148) mm, origin Spain. Quaterniones, saec. XVI (ante 1576)

fol. 1r-v Tabula codicis

(**Ed.** *El codice Lucense*, ed. C. Garcia Goldaraz, 3 vols. (Roma 1954) III 221-22, from this MS.)

fol. 2r-v **Gasparus Quiroga, episcopus Conchensis, Epistola dedicatoria ad Gregorium XIII**

(Inscriptio) Summo domino nostro Gregorio XIII Pont. Max. Gaspar Quiroga episcopus Conchensis post humillima pedum oscula S.P.D. (Textus) Grata sanctitati uestre fuisse ea concilia quae ex uetustis codicibus descripta ... (Finis) diutissime, felicissimeque praeesse uelit. (Datum) Madriti, idibus Nouembris MDLXXVI. (Colophon) E.S.V. humillimus seruus G. Eps. Conchen. (**Ed.** Ed. cit. III 223-24, from this MS. The colophon is in Quiroga's own hand.)

fol. 3r-6v **Johannes Baptista Perezus, <Praefatio codicis>**

(Rubrica) Ad lectorem. Io. Baptista Perezus. (Textus) Quod superiore anno feci in iis conciliis ... (Finis) ut uixisse sub Hispaniae excidium uideatur. (**Ed.** Ed. cit. III 225-30, from this MS.)

fol. 9r-30r **<Concilia varia ex manuscriptis vetustis>**

(Rubrica) Hoc est concilium Toletanum anno primo Gundemari regis era 648. (Rubrica secunda) Incipit decretum piissimi atque gloriosissimi principis nostri Gundemari regis. (Inscriptio) Flaius Gundemarus rex, uenerabilibus patribus nostris ZZ Cartaginensibus sacerdotibus. (Textus) Licet regni nostri cura in disponendis atque gubernandis humani generis ... (fol. 29v) (Concilium ultimum) (Rubrica) Subscriptiones sexti concilii Toletani. (Textus) Ego Selua etsi indignus ecclesiae Narbonensis ... (Finis) Siuerinus sanctae ecclesiae (*sic*) Valentinae decanus agens uicem Multaci episcopi subscripsi. Finis (**Ed.** Ed. cit. III 231-73, from this MS. The councils transcribed here, from a group of manuscripts at the Escorial [D I 1 = Sti. Aemiliani D I 2 = Alvedensi, E I 13 = (?) Soriensi] include: Toledo I (610), Saragossa III (691) and II (592), Toledo V (635), Barcelona I (540) and II (637), Huesca (636), Egara (652), and Narbonne (627), a royal confirmation of the decrees of Toledo V, and the subscription list from Toledo VI (638), which was added because it is missing in the copy of Toledo VI in the Codex Lucensis.)

fol. 31r-v **Concilium Legionense** (1020) (Praef., cc. 1-6)

(Rubrica) Concilium Legionense era ML idest anno Christi 1012 ZZ (*sic*) sub Adefonso Quinto rege Legionensi. (Rubrica secunda) Ex codice uetusto ecclesiae Cordubensis, ubi est ad finem libri qui inscribitur Forus iudicum. (Inscriptio) Decreta Adefonsi regis et Geloire regine. (Praefatio) Sub era millessima quinquagesima octauo Kalendarum ZZ (*sic*) Augusti in praesentia Regis ... (Textus) In primis igitur censuimus, ut in omnibus conciliis ... (Finis) agatur causa regis; deinde causa populorum. (Epilogus, *al. man.*) Hic multa decreta sequebantur, ad ciuilem potius quam ecclesiasticam regni gubernationem

- pertinentia: quae ideo omisimus (**Ed.** Ed. cit. III 275-76, from this MS.)
- fol. 32r-33v **Concilium Coiancense** (1050)
 (Rubrica) Concilium Coiancense in diocesi Ouetensi, era MLXXXVIII, idest anno Christi 1050, sub Fredenando (*sic*) primo Castellae rege, qui cognominatus est Magnus (Rubrica secunda) Ex eodem codice uetusto ecclesiae Cordubensis. (Prologus) Decreta Fredenandi regis et Sancie regine et omnium episcoporum ... (Textus) In primo igitur titulo statuimus, ut unusquisque episcopus ecclesiasticum ministerium cum suis clericis ... (Finis) et dignitate sua temporali sit priuatus. Finis. (**Ed.** Ed. cit. III 277-81, from this MS. **Bibl.** A. Garcia Gallo, *El concilio de Coyanza* (Madrid 1951), also editing the text at 14-30, not using this MS, which resembles his text B.)
- fol. 34r-36v **Didacus Gelmirus, episcopus Compostellanus, Decreta ad protegendos pauperes**
 (Rubrica) Compostellana decreta edita a Didaco Gelmirii episcopo Compostellano, anno Christi 1114. (Rubrica secunda, *al. man.*) Ex historia Compostellana Munionis Adefonsiadae. (Rubrica textus) Incipiunt decreta Didaci ecclesiae beati Jacobi II. episcopi ad protegendos pauperes. (Textus). Diuina disponente clementia ego Didacus ... (Decretum primum) A capite igitur exordium sumentes, praecipimus, ne quis ecclesiae terminos irrumpat ... (Finis) soluat donec respiscat. Finis (**Ed.** Ed. cit. III 284-89, from this MS. This is not the text of the council of Compostella in 1114, but a decree of the bishop issued the year before; cf. the 1791 edition of the *Historia Compostellana* in *La España sagrada*, ed. H. Florez et al., 56 vols (Madrid 1747-1879, 1918, 1957, 1960) 20.176-82, which varies slightly from the text given here.)
- fol. 38r-39v **Concilium Palentinum** (1129)
 (Rubrica) Concilium Palentinum era MCLXVII idest anno Christi 1129. (Rubrica secunda) Ex libro 3^o historiae Compostellanae nondum impressae, scriptae a Munione Adefonsiade autore eorum temporum. (Praefatio) Adefonsus Hispaniarum rex uenerandae memoriae Adefonsi regis nepos ... (Textus) Quia in ecclesia Dei et in pauperibus Christi multa mala fieri uidemus ... (Finis) praemia aeternae pacis inueniant. (Colophon) Facta serie testamenti. Era M.C.LXVII qt. VIII Kls. Aprilis. Ego Adefonsus praefatus imperator una cum coniuge mea quod fieri mandaui, proprio robore confirmo. Finis (**Ed.** Ed. cit III 291-94, from this MS.)
- fol. 41r-83v <**Concilia Hispaniae saeculi XIV**>
 (Rubrica) Concilium Vallesoletanum anno Christi 1322. (Praefatio) In nomine Domini nostri Jesu Christi, istae sunt constitutiones per nos fratrem Guillelmum Dei permissione episcopum Sabinensem apostolicae sedis legatum, factae ac editae in concilio ... (Rubrica) De constitutionibus. (Textus) Alma mater Ecclesia, ab unigenito Dei filio primitus instituta ... (fol. 82r) (Concilium ultimum) (Rubrica) Toletanum anno 1326. Constitutiones synodales per Joannem uicarium Toleti factae. (Praefatio) Facta sunt hec statuta ... (Rubrica textus) De foro competenti. (Textus) Quia causae criminales, maiores requirunt iudices ... (Finis) et publicari in synodis ZZ diuinis exemplis. (*al. man.*) Imperfectum (Included are the texts for the councils of Valladolid (1322), Penafiel (1302), Toledo (1323 and 1324), Alcala (1325) and Toledo (1326). The pages for

Valladolid have running heads. **Ed.** Ed. cit. III 295-373, from this MS. **Bibl.** Cf. J. Sánchez Herrero, *Concilios provinciales y sínodos Toledanos de los siglos XIV y XV* (Univ. de la Laguna, Estudios de historia 2; 1976), which also edits all the texts except for that of Valladolid 1322, from Madrid BN MS 13041.)

fol. 87r-100v <**Johannes Baptista Perezius, collatio conciliorum Carthaginensium in codice Soriensi cum editione Surii**>

(Rubrica) Cathaginensia concilia, collata cum manuscripto codice gotthico Soriensi, qui fuit Georgii Vettetae ciuis Soriensis, et nunc est in S. Laurentii regis bibliotheca. (Praefatio) (Rubrica) Notae quibus utimur. (Textus). S. Significat in Soriensi codice haberi quod sequitur ... (Rubrica textus) Carthaginense primum. (Textus) Tomo 1 fol. 377: Illud de tempore Sylvestri papae uel Marci deest in S. ... (Finis) col. 2.^a 15: suus eps. S. desunt haec duo verba. (Epilogus) Hic abscissum erat folium in hoc codice Soriensi ... septem Africana superiora, et Mileuitanum. (**Ed.** Ed. cit. III 375-408 from this MS. The *Codex Soriensis* may be Escorial E I 13; it was being collated with the Surius edition of Köln, 1567. Cf. C. Garcia Goldaraz, *Los concilios de Cartago de un codice Soriense* (Roma 1960) 34-42. The concluding note indicates that the Escorial MS is missing ZZ in the folio containing the end of the seventh council of Carthage and the beginning of the council of Mila.)

fol. 101r-102r <**Johannes Baptista Perezius, Collatio concilii Milevitani in codice Soriensi cum editione Surii**>

(Rubrica) Ex Mileuitano concilio cuius principium hic deerat. (Textus ZZ fol. 555, col. 2^a, ex cap. 4 vs. 5: diligamus S. debemus. ... (Finis) 58: Augustinus Hipponae Regiensis S. deest. Finis Miluetani concilii. (**Ed.** Ed. cit. III 409-11, from this MS.)

fol 103r-105v <**Johannes Baptista Perezius**>, **Chronologia conciliorum Hispaniensium**

(Rubrica) Conciliorum Hispaniensium chronologia usque ad Hispaniam a Sarracensis occupatam, certo confirmata ex quatuor uetustis conciliorum codicibus. (Era) circa 362 (anno Christi) 324: Eliberritanum (ita scribunt Gotthi non Eliberitanum neque Eliberinum) ... (Finis) (era) 740, (anno Christi) 712: Saraceni Gotthos uincunt, et biennio totam Hispaniam suo imperio subdunt. (**Ed.** Ed. cit. III 413-18, from this MS. The two systems of dates are laid out in columns.)

fol. 107r-109v <**Johannes Baptista Perezius**>, **Chronologia Gotthorum Hispaniae regum**

(Rubrica) Gotthorum Hispaniae regum chronologia certius quam antehac constituta ex pluribus codicibus ... nominum orthographia ex numismatis restituta (Era) 407 (anno Christi) 369: Athanaricus (cum quo etiam Fridigernus) coepit anno V Valentis Imp. aera 407 regnat annos XIII. Ex Isidoro ... (Finis) (era) 749 (anno Christi) ZZ 715: Rudericus ... occiso era 750, Hispania in Sarracenorum uenit potestatem. Finis. (**Ed.** Ed. cit. III 419-26, from this MS. The two systems of dates are laid out in columns.)

fol. 110r <**Johannes Baptista Perezius, Nota de nominibus regum**>

De nominibus horum regum (ne quis miretur) illud in conciliis et historiis est obseruandum: ZZ quae in a desinunt ... (Finis) ipsius Isidori etymologiis

praepositae. (**Ed.** Ed. cit. III 427, from this MS.)

Ed. and Bibl. *El codice Lucense*, ed. C. García Goldaraz, 3 vols (Roma 1954) I 96-99, III 219-427 (edition); de Aldama, 'Simbolo' 2 n. 6, 4 n. 9; and see Vat. lat. 4887.

This is the second of the volumes of studies on Spanish councils done by Bauista Pérez for the *Correctores Romani* at the order of Gaspar Quiroga, bishop of Cuenca. Apart from the bishop's dedicatory letter, the MS, written in brown ink, is in three Italic cursive hands: the first (fol. 1r-v, 3r-28r, 87r-110r) is that of Pérez himself, who also added notes and secondary rubrics to the work of the second (fol. 29r-39v) and third (fol. 41r-83v) scribes. The general layout of the MS is similar to Vat. lat. 4887. There are some marginal notes in later hands; the chronological tables at the end of the MS contain notes comparing them to Cardinal Sáenz de Aguirre's edition of the Spanish councils. Catchwords are at the lower right. An old shelfmark, 'E N. 20' appears on the front pastedown (cf. Vat. lat. 4887). For the watermarks, cf. Briquet 5683. The MS has a parchment binding, perhaps of the late 19th-century, like that of Vat. lat. 4887. Fol. 7r-8v, 28v, 30v, 37r-r, 40r-v, 84r-86v, 102v, 106r-v, and 110v are blank.

Vat. lat. 4889

saec. XVI (c. 1571)

Scr. Miguel Tomás Taxaquet (annotator).

VIII + 169 fols. + 80a-b - (18-86) chart. 327 (214) x 220 ZZ (120) mm, origin Italy (Rome). Terniones, saec. XVI (c. 1571).

IIr **Johannes Marsa, Epistola dedicatoria ad cardinales**

(Inscriptio) Clarissimis amplissimisque vii uiris S.R.E. cardinalibus correctioni decreti domini Gratiani praefectis Io. Marsa ZZ I.V.D. (Textus) Absolutis centum et una decreti domini Gratiani distinctionibus ... (Finis) cura absoluendam, uehementius excitabor. Valete. (**Ed.** Theiner *Disquisitiones criticae* app. I I, 10.)

IIIr <**Tabula cardinalium correctorum**>

Illustrissimi et reuerendissimi S.R.E. cardinales ... M. Ant<onius> Columna - Roman. ... (Finis) Ant<onius> Caraffa - Neapol. (**Ed.** Ed. cit., app. I 3 prints a very similar, but not identical list. A later note beside the name of Cardinal Buoncompagni records his accession to the papal throne as Gregory XIII in 1572.)

IVr <**Tabula doctorum correctorum**>

Doctores correctioni decreti ... R.P. Generalis S. Franc. Montaltus ... (Finis) Doct. Arnaldus Pontacus - Gallus (**Ed.** Ed. cit. app. I 3 is close to this list. Marginal notes record various promotions and deaths among the *doctores*.)

Vr-VIr <**Regulae observatae in correctione**>

(Rubrica) Leges constitutae et obseruatae in correctione decreti domini Gratiani. (Textus) Censuerunt illustrissimi cardinales ut ubicumque (ubicunque *cod.*) ... (Finis) esse describendas Anselmus in authenticis canonum. (**Ed.** Ed. cit. app. I 4-6, and Friedberg I lxxvii-lxxviii.)

VIIIr <**Ordo servatus in correctione Decreti**>

(Rubrica) De ordine in correctione decreti domini Gratiani seruando. (Textus) Censuerunt illustrissimi et reuerendissimi cardinales ... (Finis) rectius diffiniri possint. (**Ed.** Theiner *Disquisitiones criticae* app. I 6.)

VIIIv-159r **Correctores Romani, Correctiones in primam partem Decreti**

(Inscriptio) Feria iv. viiii maii M.D.LXXVI, anno I pontificatus Sanctissimi D.N.

Pii V ... Doct. Marsa secretarius; Doct. Leo secretarius. (fol. 1r) (Praefatio) (Rubrica) Correctiones in decretum domini Gratiani. Quae desunt domino Gratiano, quomodo ex doctoribus sacris sunt supplenda. (Textus) Visum fuit omnibus doctoribus ... a titulo huius operis. (Rubrica textus) Distinct. I. (Textus) *Humanums genus*] in marg. Gratianus sub hac nota ... (Finis) (D.101 d.p.d.1) *Hactenus*] GRA. in marg., Catholicorum] tollendum. (Colophon primus) Finis impositus fuit correctioni ... pontificatus S.N.D. Pii V. anno III. (Epilogus) (Rubrica) Censura congregationis generalis. (Textus) Elaborandum esse quam maxime fieri possit ... fuerunt exquisitae sententiae. (Datum) Apud illustrissimum Columnam M.D.LXXI. Doct. Io. Marsa secretarius. (A ternion has apparently been lost between fol. 80b and fol. 87r, resulting in a lacuna in the text which runs from D. 49 c. 2 (3 *cod.*) to D. 50 c. 27med. This apparatus for the *Distinctiones*, with its corresponding parts in Vat. lat. 4891 and 4892, termed 'minutes of the congregation' by Kuttner, 'Some Roman Manuscripts' 13, is the basis for the 1582 Roman edition of the Decretum, and the notes of the *Correctores* printed in Friedberg I. The epilogue on fol. 159r is printed in ed. cit., app. I 8.)

fol. 160r-165v <**Index canonum in Distinctionibus Decreti ex fontibus ignotis**>

(Rubrica) Index canonum qui a domino Gratiano in centum et una decreti distinctionibus ... inuenti non fuerunt ... Cardinales ... consulendas esse academias, uirosque doctos censuerunt. (Textus) Distinc. IV can. V *Quadragesima*: ex Amb. in lib. sermonum. Ne dum fuit inuentus ... (Finis) (D.100 c.3, *Optatur*) perquiratur diligenter locus proprius. (Epilogus) Appositae sunt superiori indice conuenientiae ... descriptae sunt, indicauerint. (Cf. ed. cit., app. I 9 for an abstract of this index and an edition of the epilogue.)

fol. 167r-168v <**Index alphabeticus canonum ex fontibus ignotis**>

(Rubrica) Index alius, in quo canones ... doctoribusque sacris demonstrantur. (Textus) Agathen. Conc.: Distinct. 50 can. 58 *In capite* ... (Finis) Urbano pp. ... Dist. 70 can. 11 (*recte* 2) *Sanctorum* ex conc. habito Placentiae. (This index is arranged according to the attribution of the texts as given in the Decretum.)

fol. 169r **Michael Thomasius**, <**Memorandum**>

Die (*sic*) XIX mensis Februarii ego Michael Thomasius interrogavi Sanctissimum D.N. Gregorium XIII ... (Finis) quam emendatissimus ederetur. Ita est, et ita fedem facio. (*Subscriptio*) Michael Thomasius manu propria. (Ed. Ed. cit., app. I 9, where it is run together with the epilogue of the first index (fol. 165v). This piece, a note of eight lines, is in Taxaquet's own hand.)

Bibl. P. Torquebiau, 'Corpus Iuris Canonici. Decret', DDC 4.610-27 at 624-26; Friedberg I lxxvi-xc; Coing, *Handbuch* I 838-39; Van Hove, *Prolegomena* 347 and n. 6; F. Laurin, *Introductio in Corpus iuris Canonici* (Freiburg ZZ im B. 1889) 63-70; Kuttner, 'Some Roman Manuscripts' 13 n. 25, 14; idem, 'Gratian and Plato' 103 n. 59.

This MS, together with Vat. lat. 4891 and 4892, make up a clean copy of working notes of the *Correctores Romani* on variants in the texts in Gratian's *Decretum*; rough drafts of much of this material may be found in Vat. lat. 5399 (q.v.). This MS is elegantly written in display script and Italic cursive, in black ink, mostly by a single scribe. It is a formal title page. Fol. 1r-159r are arranged in three columns: the outside column is labelled 'Ex congregatione generali', the wide middle one 'Correctiones in Decretum Grat.', and

the third, narrow one 'Concordantiae decretistarum'. The central column records the work of the *Correctores* in meetings from 8 May 1566 to 16 November 1568; the outer column contains revisions and discussions of the material from 6 June 1566 to 14 March 1571. There are marginal notes in several hands, including that of Miguel Tomás Taxaquet. The edges of the folios are gilded. The dominant watermark consists of a shield containing a three-branched stem with flowers, with a six-pointed star above (not in Briquet). The 19th-century leather and parchment binding includes some early 17th-century components. Iv, Iiv, IIIv, IVv, VIv-VIv, fols. 80a-b, 159v, 166r-v, and 169v are blank.

Vat. lat. 4890

saec. XVIex.

<I> +164 fols. chart. 320 (272) x 218 (180) mm, origin Italy (Rome). Quiniones, saec. XVIex.

fol. 1r-164v **Michael Thomasius, Annotationes in Decretum Gratiani**, imperfectae (D.1-D.16, D.57 - De poen. D.1 c. 84)
(Rubrica) De titulo. In decem et octo uetustis exemplaribus huius codicis ...
(Finis) immo inquit 'si tanta est plaga peccati', et quae sequuntur hic.

Bibl. Kuttner, 'Some Roman manuscripts' 14 and nn. 26 and 29, and 21-22 n. 62; idem, 'Gratian and Plato', ZZ 93-118 at 103-4 no. 59-62 and 117-18 (app. III), printing an excerpt from fol. 88r-v; R. Somerville, *Decreta Claromontensia* (Annuario historiae conciliorum, suppl. 1; 1972) 48-50, printing excerpts from fol. 15r-v and 93r (on C.12 q.2 c.46, *cod.* 44) at 49.

This MS, containing the greater part of Miguel Tomás Taxaquet's draft of the notes for the Roman edition of Gratian, was written in Italic cursive script in brown ink, probably by two scribes. A quire has been lost after fol. 14; the resulting lacuna goes from D.17 to D.56. There are annotations and corrections, mostly in one hand. The notations are reflected in the finished work of *the Correctores*; compare, for example, the emendation on fol. 7v of the notes on D. 11 c.5 with the printed version (Friedberg I 23-24). Each item is headed with the appropriate lemma, while the entries are numbered consecutively in the margin. Catchwords are at the lower right of each page; some are cut away. On the title page Ir, below the formal title is a note in Italian: 'S<ignor> Flaminio mando a v.s. il anesso libro del secretario ... cominciare dalla T.'; at the bottom of the page is the shelfmark '4890'. Many of the blank folios contain the notation 'Nihil deest'. For the watermarks, cf. Briquet 12250. The leather and parchment binding combines early 17th and mid-19th century elements. Iv, fol. 14v, 49v, 59v, 91v, and 150v are blank.

Vat. lat. 4891

saec. XVI (c. 1572)

<VI> + 269 fols. chart. 337 (255) x 230 (115) mm, origin Italy (Rome). Terniones, saec. XVI (c. 1572).

<I>r-<II>r **Schema indicis librorum**

(**Bibl.** Kuttner, 'Some Roman manuscripts' 21.)

fol. 1r-269v **Correctores Romani, Correctiones in secundam partem Decreti** (C.1-26)
(Inscriptio) Die xx. Decemb. M.D.LXVIII. ... doctores superius descripti.
(Rubrica) Causae primae summa. (Textus) Quidam] Quaestio prima Quod autem
... Grat. in marg.; Multis auctoritatibus] multorum auctoritatibus ... (Finis) *Item*
Hieronymus] Nusquam inuentus hic canon in Hieronymo, perquiratur
diligentissime. In marg. Iuo par. ii c. 75, Burc. lib. 10 c. 50; (Rubrica ultima) Can.
Daemonium XVIII. (Colophon) Fer. VI Die VIII. febr. M.D. LXXII. Apud
illustrissimum Card. Alciatum fuit impositus finis correctioni causae XXVI. Doc.

Io. Marsa secretarius.

Bibl. See Vat. lat. 4889 (q.v.); Kuttner, 'Gratian and Plato' 117 (app. III), printing an excerpt from fol. 118r-v; U.R. Blumenthal, 'Some notes on papal policies at Guastalla, 1106', SG 19 (1976) 59-77 at 71-73.

Like Vat. lat. 4889 (q.v.), this MS contains some of the working notes of the *Correctores Romani* on variants in Gratian's *Decretum*. In design it is similar to 4889, although not as finished or as carefully done. (The column headings, for example, were never added.) Several scribes, writing Italic cursive and display script in dark brown ink, worked on the main text (the central column of variants) and the outer marginal text recording the discussions of the congregation. There are other marginal notes and corrections in several hands. The central column of the MS records the work of the *Correctores* between 20 December 1568 and 8 February 1572; the last date given for the later discussions (in the margins) is 19 March 1572, but the notation occurs on fol. 3v. <VI>r is a formal title page. Catchwords appear at the lower right. For the watermarks, see the description of Vat. lat. 4889. The MS has an old binding of green leather, without any identifying coat of arms. <II>v, <III>r- <V>v, <VI>v, and fol. 88v-89v are blank.

Vat. lat. 4892

saec. XVI (1572)

III + 212 fols. chart. 323 (247) x 227 (115) mm, origin Italy (Rome). Quaterniones, saec. XVI (1572).

Ir Schema indicis librorum

fol. 1v-211r **Correctores Romani, Correctiones in secundam et tertiam partem**

Decreti (C.27-36, De cons. D.1-D.5 c.2)

(Inscriptio) Feria VI. D. VIII. februar. M.D.LXXII. ... (Rubrica) Causa XXVII.

(Textus) ZZ *Quidam uotum*] in marg. Grat. (Rubrica secunda) Causa XXVII.

Quaestio I. (Textus) ZZ *Quod uouentes*] in marg. Grat.; ZZ *In concilio*

Carthaginensi 4] Ita leg. in marg. c. ult^o. ... (Finis) ZZ *Item Miltiades papa.*] in

marg. epistolae ad episcopos Hispaniae c. 2 idem habet Eusebius Emesenus

Homilia in die pentecostes. (Rubrica ultima) C. Spiritus sanctus. 2.

Bibl. See Vat. lat. 4889.

The MS, a continuation of Vat. lat. 4889 and 4891, contains working notes of the *Correctores Romani* for their edition of Gratian's *Decretum*. It was written in Italic cursive with some display script, in black ink that has turned to dark brown, by several scribes. The MS records the work of the *Correctores* from 8 February 1572; the last date given is 20 June, but on fol. 24r of the text. The elaborate notes of a second series of discussions which appear in the margins of Vat. lat. 4889 and 4891 are not paralleled in this MS; the marginal notes are mostly terse indications of sources, in several hands. They sometimes bear the siglum C.G. (*congregatio generalis*), and on fol. 135-174 the marginal column is headed ZZ concordantiae decretistarum or concordantiae siue citationes decretistarum. The corrections for *De cons.* begin on fol. 134r. Fol. 1r is a formal title page. Catchwords appear at the lower right when used, but in most of the MS the quires are marked with an internal numbering system, a<1>-4 to A<1>-4. For the watermarks, cf. Briquet 6901; this example shows an initial B above the fleur-de-lis. The MS has a restored parchment binding. Iv-IIIv, fol. 133r-v, and 211v-212v are blank.

Vat. lat. 4893

saec. XVII

197 fols. chart. 339 (288) x 235 (110) mm. Quiniones, saec. XVII.

fol. 1r-197v <Gratianus, Decretum> imperfectum (C.1-C.7 q.1 c.35)

(Rubrica) Causa prima Q. 1. (Textus) (d.a. C.1 q.1 c.1) Quidam habens filium obtulit eum ... (Finis) aut necessitas persuaserit.

Ed. Friedberg I. **Bibl.** Scano, 'Manoscritti del Decreto' 40, describing this MS; Kuttner, *Repertorium* 115.

The MS is written in black ink, in single columns with a very wide outer margin. The first twenty-two folios are in an awkward bookhand, perhaps meant to imitate typeface, with italics to distinguish rubrics and dicta. Most of the MS is in cursive script which varies in size, the rubrics and dicta written smaller than the texts of the canons. Marginal notes of alternative readings suggest that the MS was collated with another text. Other notes indicate scriptural citations, missing phrases, and occurrence of a text in another part of the *Decretum*. The canons are consecutively numbered from fol. 13v (C.1 q.1 c.45) to the end of Causa 1. Thereafter they are numbered within each *quaestio*. Catchwords appear at the lower right of each folio. For the watermarks, cf. Briquet 49. The MS remains in its original parchment binding.

Vat. lat. 4894

saec. XVI

I + 307 fols. + 17bis chart. 283 (225) x 219 (197) mm, origin Italy (Rome). Quiniones, saec. XVI.

Ir-v <**Notae variae**>

(These notes, which are fragmentary and very difficult to read, include references to canons relating to extreme unction, and to Roman law sources.)

fol. 1r-48r, 191r-194r, 222r-246v, 287r-288r <Incerti auctores>, **Collationes editionum Bibliae**

ZZ (Rubrica) Collationes aeditionis nouae cum uulgata ... (fol. 1v) (Rubrica secunda) In praefatione diui Hieronymi in Esdram. Vulgata aeditio. (Textus) Nam uobis aliquid imperantibus ... (Finis) ut placitus sit ei Dominus H.h.8 et aliquis in marg. (These notes, probably related to the work of the papal commission for the reediting of Scripture, are primarily collations of various editions and the Glossa Ordinaria against the Vulgate text. Editions of Lyon, Louvain 1547, Venice 1496, and Hebrew and Greek versions are mentioned.)

fol. 49r-190v, 195r-220v, 264r-278v, 280r-286r, 289r-307r **Correctores Romani, Correctiones in Decretum Gratiani**, fragmenta

(Inscriptio) Correctiones in secundam partem Decreti ... cau. XXIII quaest. III can. *Duo ista* <35> usque ad 26 quaest. 3 et 4^{am} exclus. apud illustrissimum Cardinalem Alciatum. (fol. 50r) (Rubrica textus) Cau. XXIII. q. III can. *Duo ista* (c. 35) (Textus) Idem Ambrosius lib. 13 c. 2 Augustinus ser. 94 ... (Finis) (D.30 c.17) ZZ Suspiciones] suspicionem. Eadem congregatione. (**Bibl.** on the work of the *Correctores Romani*, see Vat. lat. 4889. These pages contain rough notes, frequently stricken through, which are often very difficult to read because of the thin sheets glued to the pages to strengthen them. The notes are not in order. Most of the material consists of variant readings, but there are also drafts for *censurae* and a set of references to pages of a particular text on fol. 286r.)

fol. 247r-263r <Incertus auctor, **Tabula fontium Decreti Gratiani**>

1. Causa 1. quaest. 1. cap. ii *Quicumque* Prima sententia exstat apud Deusdedit ... (Finis) 368. <De cons. D.5> c. 17 *Ieiunia* Burch. 13.17, Iuo 4.49 decr. (This is written in a single, neat cursive hand, and not cancelled.)

fol. 279r **Michael Thomasius**, <**Epistola ad praelatum incertum**>

(Inscriptio) Illustrissime et reuerendissime domine. (Textus) Hic sunt omnia quae emendauimus ... (Finis) de his admoneat congregationem generalem.

(Subscriptio) Humillimus seruus Michael Thomasius. (This short letter is in Miguel Tomás Taxaquet's own hand.)

This MS is in fact a collection of quires and loose sheets which have been mounted for binding. (Fol. 222-246 are long, narrow sheets.) Written in dark brown ink, the pages are the work of many different hands. The canonical and biblical materials alternate in no apparent order. The shelfmark appears twice on fol. 1r. I is a mutilated scrap. Fol. 17bis is marked 18.II in the lower left corner of the verso. Catchwords are rare, appearing at the lower right of each page when used. For the watermarks, cf. Briquet 7109 and 12235. The MS has a 19th-century parchment binding. Fol. 15r, 18r, 203r, 236r, and 290v are blank except for a heading or the words 'nihil deest'; fol. 17bis^{I-V}, 18v, 48v, 49v, 86v-87v, 136r, 151r, 154r, 157v-158r, 160v, 164v, 182r, 194v, 195v, 221v, 236v, 263v, 265v, 279v, 286v, 288v, 298r-v, and 307v are blank.

Vat. lat. 4895

saec. XVI

<I> +90 fols. chart. 430 (365) x 285 (175) mm, origin Italy ?. Octiones, saec. XVI.

fol. 1r-89v **Antonius Augustinus, Recollecta in iure canonico**

Rubrica in margine De constitutionibus. Diuinationibus... tit. I.2.

(Rubrica) Quaedam recollecta in iure canonico. (Textus) Ius nostrum constat aut ex scripto <aut ex non> scripto, ff. 1.1.6 [Dig.1.1.6], I. 1.2 [Inst.1.2.3]. Scripto continentur diuina atque humana iura ... (Finis) De qualitate testium et exceptionum. Idem. (*in marg.* D. eo. 32. [X 5.3.32]).

Bibl. S. Kuttner, 'Antonio Agustín and the Correctores', *Traditio* 24 (1968) 505; idem, 'Some Roman manuscripts' 8; A. Bernal Palacios, 'La obra inédita de Antonio Agustín. *Quaedam recollecta de iure canonico* (MS Vat. lat. 4895)', *Acta Congressus Tarragona May 1986*, and *Revista española de derecho canónico* 45 (1988) _- _ (forthcoming).

This autograph MS, written in brown ink, contains notes for a work on canon law which was never finished. It has two parts (1: fols. 1r-18r; 2: fols. 24r-89v) that possibly were written at different times, and bound together later on. Because of that there are two foliations. The one added after the binding which is found on the upper right corner of each folio is followed here. The content of each part is divided as follows: *De iure*; *De iure personarum*; *De rebus* (except in the 2nd part); *De iudiciis*. Each part is divided into titles in which Antonio Agustín collects canonical texts. The sources from which they were taken are noted in the margins. These sources are basically oriental in the first part and western in the second. For the watermark, cf. Briquet no. 4833.

The MS is bound in parchment. Fol. 8v, 9v, 15v, 18v-23v, 28r, 31r, 33r, 58r, 62v, 81v, 87r, and 90v are blank.

Vat. lat. 4897

saec. XVI/XVII

<IV> + 159 fols.-6 + <III> chart. 303 (246) x 218 (139) mm. Seniones, saec. XVI/XVII.

fol. 1r-159r **Concilium Ephesinum**

(Epistolae praeliminares) (Inscriptio) Cirillus praesbiteris et diaconibus ... dilectissimis et desiderabilibus in domino salutem. (Epistola prima) Venerunt quidem aliqui eorum qui uobiscum sunt secundum consuetudinem ... (fol. 39v) (Acta) (Rubrica) Exemplaria gestorum que acta sunt in sancta synodo in Aephesina metropoli, de recta fide. (Textus) Post consulatum dominorum nostrorum Flauii Theodosii xiii et Valentiniani iii perpetuorum augustorum xi kl. augustas synodus celebrata in Ephesinorum metropoli ... (Finis) saluta que apud te est fraternitatem teque nobiscum et (*sic*) in domino salutem. Explicit. (**Ed.** Mansi 4.587-1478, 5.1-422. **Bibl.** See Vat. lat. 1319 fol. 1ra-91vb. Neither the order of the letters nor the transmission of the text agree precisely with either Schwartz or Mansi.)

fol. 159r **Augustinus** <**Hipponensis**> (s.), **De trinitate**, excerptum (Lib. 13 c. 23) (Rubrica) In libro xiii. sancti Augustini de Trinitate Dei capitulo xvii. (Textus) Quandoquidem sic Deo coniungi potuit humana natura ut ex duabus substantiis fieret una persona ac per hoc iam ex tribus Deo, anima et carne. (**Ed.** Sanctus Aurelius Augustinus, *De Trinitate*, ed. W.J. Mountain, 2 vols. (CCL 50-50A, 1968, II 412.)

ZZ The MS is written in a neat, late cursive in dark brown ink. There is no decoration. <I>r has a list of letters, which were not yet edited at that time, written in a 17th-century hand. The same scribe wrote an index on <+I>r-<+III>v. Another hand added references in the index to a multi-volume work, identified only as 'Pel.' For the watermark, cf. Briquet no. 5343. The MS is bound in parchment, perhaps original, with parchment binding fragments at the spine. <I>v-<IV>v and fol. 159v are blank.

Vat. lat. 4899

saec. XVI.2

<I> +540 fols. chart. 314 (256) x 205 (135) mm, origin Italy. Bifolia, saec. XVI.2.

fol. 1r-540r <**Collectio Anselmo dedicata**>

(Rubrica) 1a: Pars 1-39. (Inscriptio) Domino magnifico uigilantissimo pastori ac precellentissimo archipresuli Anselmo. Nos minimæ (Ego minima *ed.*) gregis ipsius ouiculæ (ouicula *ed.*) ... (Praefatio) Laudibus (Laudabilis *ed.*) prouidentiae uestrae praeferendum inclyte pastor acumen ecclesiasticis utilitatibus prouide ac **ZZ** sollerte prospiciens ... (fol. 2r) <Tabula titulorum libri primi> ... (fol. 5r) (Liber primus) (Rubrica) Quod Symon Petrus uera (uere *ed.*) fidei merito primus fuerit primitiae electionis domini apostolorum et quod Romanae (Rome *ed.*) pro pietate paciendo uolens in causa (uolens uitam *ed.*) finiuit. (Inscriptio) Clemens, Iacobo domino et episcopo episcoporum, regenti Hebreorum sanctam ecclesiam Hierosolimis ... (Textus) Notum tibi facio, domine, quia Symon Petrus, qui uerae fidei merito ... (Finis) sed etiam magistratus et iudices omnes siue maiores siue minores. Explicit.

ZZ Ed. For Book I only, J.C. Besse, 'Collectionis *Anselmo dedicatae* liber primus', RDC 9 (1959) 207-96, mentioning, but not using, this MS.

Bibl. P. Fournier, 'L'origine de la collection "Anselmo dedicata"', in *Mélanges P.F. Girard*, 2 vols. (Paris 1912) I 475-98 at 478-79, repr. in Fournier, *Mélanges* II 189-212; H. Fuhrmann, *Einfluss und Verbreitung* at II 425-29; J.C. Besse, *Histoire des textes du droit de l'Eglise au Moyen-Age de Denys à Gratien - Collectio Anselmo dedicata. Etude*

et texte (Extraits) (Paris 1960); Ballerini, *De antiq. coll.*, PL 56.514-18, printing, the preface from this MS.

<I>r: Copiato da un antiquo libro grande che si conserva nell'archivio del vescovato di Modena

This MS is a copy of Modena, Bibl. Cap. MS 112, made for the *Correctores Romani* on the advice of Miguel Tomás Taxaquet, bishop of Lerida (†1578) and sent to Rome in 1578. The correspondence with the bishop of Modena about the project is printed in Theiner, *Disquisitiones criticae* app. I pp. 16-20, nos. 7-15, from Vat. lat. 4913 fol. 5r-35v (q.v.), which Theiner misidentifies as Vat. lat. 4190. The Modena MS itself is a copy of Vercellian MS XV, with its characteristic additions. The copyists of Vat. lat. 4899 noted a number of imperfections in the Modena MS, and a number of canons were left incomplete with space provided to complete them. At the completion of Part IX (fol. 445v), the copyist noted, 'Pars nona integra est.' Marginal notes indicate alternate readings, references to sources, references to Gratian, and points of special interest in the text.

The MS is written in brown ink by several copyists. One scribe wrote fol. 1r-216v; after that, several scribes alternate, with changes of hand often occurring at the grouping of each set of bifolia. All wrote in forms of formal notarial cursive. There is no decoration. The bifolia are grouped in quires of 40 to 50 leaves, each with a large capital letter on the first recto (A to Z plus 'Qultimum'). Many of these quires have their own numbering in the upper right. These foliations have been crossed out in favor of one continuous foliation, also in a 16th-century hand. <I> is a small piece of paper bound into the front of the volume with a note in Italian on the recto concerning the exemplar of the text. For the watermarks, cf. Briquet nos. 649 (without the initials), 3075, and 4869. The 19th-century leather and parchment binding incorporates remnants of the former 17th-century binding. <I>v, fols. 39v, 252v, 506r-v, 524v, and 540v are blank.

Vat. lat. 4900

saec. XVI

Prov. Antonio Agustín.

191 fols. chart. 318 (273) x 220 (140) mm, origin Italy (?). Bifolia, saec. XVI.

fol. 1r-191r <**Concilium Constantinopolitanum IV (869)**> (See Vat. lat. 1332 fol. 1r-177r for further information.) *Variants:*

(Invocatio) Spiritu *pro* Spiritus; Amen *add.* (Colophon) Explicit *pro* Amen.

Bibl. C. Leonardi, 'Anastasio Bibliotecario e l'ottavo concilio ZZ oecumenico', *Studi Medievali* ser. 3, 8.1 (1967) 59-192 at 145-6 for a description of the MS and other bibliography.

This codex follows the same confusion in the text that was noted in Vat. lat. 1332. The break is noted by an asterisk and 'fragmen.' on fol. 124v and 126v; the third break, on fol. 188v, has resulted in a garbled text with no notation. The penultimate and antepenultimate pieces are reversed with respect to the edition cited.

The MS is written in brown ink in several 16th-century cursive hands. It is undecorated. The codex belonged to A. Agustín, whose hand supplied the numeration, running titles, cross references, and various notations. It also contains corrections in the hand of Francesco Aduarte (see Leonardi). For watermarks, cf. Briquet no. 5700. The MS has an old parchment binding which has on the spine: 'Octava synodus P. Crouard'. Fol. 11v is blank with no lacuna in the text. Fol. 191v is blank.

Vat. lat. 4901

saec. XVI

56 fols. chart. 325 (157) x 218 (142) mm wrong size!. Bifolia, saec. XVI.

fol. 1-56r **Synodus Constantinopolitana** (879-880)

(Rubrica) Acta sanctae synodi sub Ioanne viii. congregata (*sic*) in urbe Constantinopoli propter unionem sanctae Dei ecclesiae. (Textus) Sedente Photio religiosissimo patriarcha in uenerabili magno secretario et una cum eo sedentibus Elia Dei amatissimo ... (Finis) non uideat gloriam Dei, et atque (*sic*) his dictis acclamauerunt omnes imperatoribus nostris ZZ multi anni.

Bibl. This translation from the Greek is unedited; cf. Mansi 17.374-523.

The MS is written in dark brown ink in a 16th-century cursive. It is undecorated. The text is very hard to read on the spine side throughout because of damage, probably from dampness. For the watermarks, cf. Briquet no. 7628. The early 17th-century binding has been repaired in parchment and leather. Fol. 56v is blank.

Vat. lat. 4902

saec. XVI

<XII> + 418 fols. + <XI> chart. 326 (263) x 150 (147) mm. Quiniones, saec. XVI.

fol. 1r-130v <**Concilium Lateranense**> (649) (See Vat. lat. 1324 fol. 1r-92r for further information.) *Variants:*

(Invocatio) In nomine *om.* (Textus) papa sanctae *om.* (Finis) deus (*sic*) te incolumen (*sic*) custodiat dilectissime frater. (The text lacks the subscriptions throughout. The invocation and text are run together into a continuous sentence.)

fol. 130v-166v <Incertus auctor, **Excerpta quattuor tractatum Bernoldi Constantiensis**>

(See Vat. lat. 1324 fol. 92v-121v for further information.) *Variant:*

(Excerptum primum) (Rubrica prima) Aimerus *pro* Hingmarus.

fol. 169r-353r <**Concilium Constantinopolitanum III**> (680-681) (See Vat. lat. 631 fol. 408rb-465vb for further information.) *Variants:*

(Rubrica textus) In hoc corpore ... in urbe Constantinopolitana ... antique urbis Romae. < > sacra directa ad dominum ... uita decessisse subriptione (*sic*) sacre.

(Rubrica actionis primae) sexti *pro* sexti (Rubrica secunda actionis primae) sexte *om.* (Invocatio actionis primae) Iesu *pro* Ihesu; none *pro* nona (Finis) thesaurizamus dogmata, et quos refutarunt, atque anathematizarunt, anathematizamus atque /// (**Ed.** Mansi 11.195-667, 698A-710D. The text lacks the third of the three prefatory letters and the letters following the synod. It breaks off in the imperial edict, the next text following immediately on the page. There is a lacuna, not marked in the codex, in midest of fol. 346v. Mansi 11.662A-663C is lacking [... magnam atque insignem ///rationem agnoscimus. Naturam (*sic*) ...].)

fol. 353r-417r <**Leo I, Epistolae**> (See Vat. lat. 1326 fol. 157v-211v for further information.)

fol. 417r-418r <**Johannes VIII, Epistola**> (JE 2986) (See Vat. lat. 1326 fol. 211v-212v for further information.) *Variants:*

(Inscriptio) Agripalensi *pro* Agripinensi (Finis) secunda *pro* vii. Deo gratias.

The MS was written in dark brown ink in a 16th-century cursive with no decoration. The unusual apposition of texts strongly suggests that Vat. lat. 1324 is the exemplar for fol. 1-166 and that Vat. lat. 1326 is the exemplar for fol. 169-418. <I>r is a contemporary title page: 'Concilium Martini papae ante vi synodum'. The watermark (stag in a circle) is unidentified. The MS is bound in red-brown leather, possibly original. <I>v-<XII>v, fol. 167r-168v, and 418v are blank.

Vat. lat. 4903

saec. XVI (post 1550)

434 fols. + 43a-e+ <XXII> chart. 330 (227) x 216 (135) mm, origin Italy. Terniones, saec. XVI (post 1550).

fol. <1> blank

fol. <2> Liber epistolarum

fol. <3r-9r> Tabula epistolarum

fol. 9v-430v <Collectio Avellana> (See Vat. lat. 3787 for further information.)

Variants:

(Rubrica textus) Item et que *add. al. man. super lin. post CCXLIII* (Finis)

Hierico *pro* Hiericho; millibus quinquaginda *pro* milibus quinquaginta.

fol. 431r-434r <Collectio Avellana>, fragmentum F

///ceptionis effectum, ne qua fieri potuit occasione cessatum est ... (Finis) ordini

uel plebi per Illiricum, Dalmatiam et utramque Datiam. Simachus.

<+I>r-<+XXII>v Index collectionis Avellanae

Bibl. *Avellana*, ed. Günther, describing, this MS at Part 1, ZZ pp. xxxii-xxxiii; S. Leo Magnus, *Opera*, ed. Ballerini PL 54.563; Ballerini, *De antiq. coll.* PL 56.180; Maassen, *Geschichte* 788. Günther has shown that this MS is a copy of Ott. lat. 1105 (siglum Q) and even copies the colophon from that MS, including the latter's date. The marginal notations of Vat. lat. 3787 which were added to the text of Vat. lat. 4961 by the corrector are here written directly as part of the text, e.g. the added rubric directly below the opening rubric on fol. 9v 'Quae uera sunt ... Cave'.

This MS is written in brown ink by several scribes employing forms of formal notarial cursive. The first scribe (fol. 1r-43r) corrected his work and added alternate readings in the margins. A contemporary annotator has added notations irregularly throughout the volume. There is no decoration. Fol. 2r is a title page copied from the title added on <I>r of Vat. lat. 4961. On fol. 2r, below the title, a 17th-century hand wrote 'Aliud exemplar prorsus simile extat in hac Bibliotheca n° 3786', and another hand added 'Autographum uero huius codicis habes n. 4961'. As noted above, the colophon on fol. 434r, which includes the date 'MDL' is a copy of that in Ott. lat. 1105, which is in turn taken from the ex libris in Vat. lat. 4961, q.v. The first quires are marked with large capitals (A-C) on the lower margin of the first recto. The watermark, a four-legged animal (stag?) in a circle, is unidentified. The old (original?) parchment binding has no marking other than a title on the spine: 'Epistole super controversia Liberii et Foelicii et alique pontificum et imperatorum' Fol. 1r-v, 2v, 43v, 43a^f-d^v, 44r-v, 261v, and 434v are blank.

Vat. lat. 4906

saec. XVI

309 fols. + 304a + <IV> chart. 311 (230) x 215 (135) mm, Terniones, saec. XVI.

ZZ fol. 2r-25r **Registrum epistolarum et conciliorum Gregorii VII**

- fol. 25v-37v **Tabula alphabetica notabilium gestorum Gregorii VII**
 fol. 37v-38v <**Dubia de officio Mozarabico**>
 (Textus) Dubium in supradictis resultat cum Hispani his temporibus ... (Finis)
 sed quia non bene scitur non ponitur.
- fol. 39r-42r **Urbanus V, <Acta in professione fidei Johannis imperatoris Constantinopolitani>** (See Vat. lat. 3979 fol. 1r-2v for further information.)
Variant:
 (Inscriptio) Dei *om.*
- fol. 43r-131v **Gregorius VII, Epistolae** (See Vat. lat. 4907 for further information.)
Variants:
 <Invocatio, rubrica, praefatio et epistola prima desunt.> (Epistola secunda)
 (Rubrica) Ex primo libro. (Inscriptio) Gregorius in Romanum pontificem electus
Gisulpho Salernitano principi salutem in Christo Iesu. (Textus) Dominus noster
 Alexander papa mortuus est, cuius mors ... (fol. 131r) (Epistola ultima) (Lib. IX
 ep. 13) (Inscriptio) Gregorius episcopus seruus seruorum Dei R. (nobili *add. ed.*)
 Flandrensi comiti salutem et apostolicam benedictionem. (Textus) Perlatum
 nobis est, quod Teruannensis archidiaconus ... (Finis) exinde laesionem faciatis
 uel fieri permittatis.
- fol. 134r-309r **Gregorius VII, Epistolae** (See Vat. lat. 4907 for further information.)
Variants:
 (Rubrica) septimi *om.*; vii *add.* (Epistola prima) (Inscriptio) vii *add. post*
 Gregorius <308r> (Epistola ultima) (Inscriptio) Guglielmo *pro* W.: s<alutem>
om. (Textus) Petrum *pro* P. (Finis) principum (*sic*) diademate *pro* principiam
 diademati; Finis *add.*

The *Epistolae* in this MS are very close to variant version in Vat. lat. 3979, although they do not show absolute internal correspondence; the letters are numbered and correspond with the numeration of the edition. The MS lacks the following letters: Lib. II: 16, 52a, 55a, 73, 76; Lib. III: 17*a, 17a, Lib. V: 2, 14a; Lib. VI: 17, 17a; Lib. IX: 22, 29a. The MS was written by several 16th-century hands in dark brown ink; it is undecorated. The modern stamped numeration replaces an older one in which the first 38 folios were unnumbered, fol. 39-131 were numbered 1-92 and the foliation began again on the present 134. The two watermarks are not in Briquet: a stag in a circle, and a unicorn in a circle. Fol. 1r is a title page: 'Ex Gregorio VII libri decem'. The leather binding is original. Fol. 42v, 132r-133v and 309v and <+I>r-<IV>v are blank.

Vat. lat. 4907

saec. XVI

225 fols. chart. 333 (208) x 225 (130) mm. Quiniones, saec. XVI.

fol. 1r-225r **Gregorius VII, Epistolae**

(Invocatio) In Dei nomine. (Rubrica) Incipit liber primus registri septimi
 Gregorii pape anno dominice incarnationis millesimo lxxiii indictione xi.
 (Praefatio) <R>egnante Domino nostro Ihesu (Iesu *ed.*) Christo anno
 clementissime incarnationis eius millesimo lxxiii ... (Epistola prima) (Inscriptio)
 <G>regorius in Romanum pontificem electus Desiderio abbati monasterii sancti
 Benedicti Montis Cassini salutem in Christo Ihesu (Iesu *ed.*). (Textus) Dominus
 noster papa Alexander mortuus est, cuius mors super me cecidit ... (fol. 218v)
 (Epistola ultima) (Inscriptio) Gregorius episcopus seruus seruorum Dei W.
 (Gilielmo *ed.*) regi Anglorum s<alutem>. (Textus) <C>ommunis amor et sincera

deuocio quam erga beatum P. ... (Finis) Si regum fulgori compares et principiam diademati (principum diatemati *ed.*) longe erit inferius, quam si plumbi [me] metallum ad auri fulgorem compares.

225r (Inscriptio) Gregorius episcopus servus servorum Dei archidiaconibus Taruaennensis ecclesiae Enolfo et Huberto et canonicis si canonice uixerint. salutem et apostolicam benedictionem (Textus) <C>lericos de Castro Sancti Pauli de quibus canonici Sancte Mariae... (Finis) quousque canonice quod peccauerint emendent. Data Rome VII kalendas decembris Indictione secunda

Ed. MGH Epp. Sel. 2, ed. E. Caspar, passim, using this MS (siglum V). The following letters in the numeration of the edition are missing: I.79, II.34-35, IX.12, and IX.22. In this MS the letters are not numbered. **Bibl.** W.M. Peitz, *Das Originalregister Gregors VII. im vatikanischen Archiv* (SB Akad. Vienna 165, 5; Wien 1911) 110, 115.

The MS is written in gray ink in a fine, clear 16th-century cursive hand. There are occasional corrections in a second hand (e.g. fol. 21v). Capitals are usually missing; when present they are red, as are the rubrics. The bottom of fol. 1 has been torn away and repaired. Catchwords vary, some centered with decoration, some vertical on the inner margin line. The writing surface was prepared with prickings, still visible on some folios. The MS has suffered mildew damage on the early folios. For the watermark, cf. Briquet no. 7312. The MS has an old brown leather binding with sewings on the spine. Fol. 225v is blank.

Vat. lat. 4913

saec. XVIex.

Scr. Miguel Tomás Taxaquet. Giovanni Battista Fontana.

<I> +161 fols. + ZZ 14a-25 + 25a + 103a-g + 105a-c + 131a chart. 344 (308) x 223 (188) mm, origin Italy (Rome). saec. XVIex.

fol. 1r-2v <Incertus auctor, **Descriptio codicis Archivi Sancti Petri C.110**>

(Inscriptio) Laboranti natura fuit humanitas. Nulli peccatori forma diuinitas, fieri sed et ipse potes hⁱ (?) in alio miserere tui (*sic*). Magistri Laborantis Dei gratia cardinalis sacrosancte Romane ecclesiae ... opus decretorum siue uia canonum ut in proemio appellat ... (Finis) ad Laborantem cardinalem responsio de appellationibus. (The inscription is copied from ASP C.110 fol. 1rb.)

fol. 4v <Incertus auctor, **Notabilia varia**>

(These notes, in a rapid, difficult cursive hand, include references to Laborans and Cresconius, and to Cardinal Francisco Alciato and Achilles d'Estação.)

fol. 5r-35v <**Sixtus Vicedominus O.P. et Michael Thomasius, Epistolae ad Franciscum Alciatum cardinalem Sanctae Susannae**> (Italice)

(Inscriptio epistolae primae) Illustrissimo et reuerendissimo signore patrone colendissimo. (Textus) Li mando il restante delle scritture ... (Epistola ultima) (Textus) Non ZZ hauendo mai hauuto risposta dal serenissimo Duca nostro ... (Finis) le prego dal signor Dio continua felicità et contenti. (Datum) di Modena 12 aprile del 78. (Subscriptio) Di V.S. Illustrissima et Reverendissima humilissimo et obligatissimo ZZ seruitore il Vescovo di Modena. (Annotatio *al. man.*) Tutte le parti del libro le douranno esser capitate. (Fifteen original letters were folded together to form this quire, fol. 20-35 are the blank halves of the sheets, which were used as the outside wrappings, many with traces of sealing, addresses and notations. Fol. 14a/25a, a small sheet with the lower portion cut

away, was sewn into the quire down the center, across the text. Some of the letters concern the copying of a Modena MS (Bibl. Cap. II.2) of the *Collectio Anselmo dedicata*. Three of the letters are from Miguel Tomás Taxaquet, bishop of Lérida (1577-78), formerly secretary to the *Correctores Romani*: fol. 10r, 13r, and ZZ 14a^v/25a^r. The rest are from Sixtus Vicedominus, O.P., bishop of Modena (1571-90). The earliest date given is 26 November 1577, the latest is 30 July 1578. On fol. 32v (the wrapping of the letter of fol. 8r) is a note on the response to be sent, written parallel to the binding, in the lower left corner of the page, and stricken through. **Ed.** A. Theiner, *Disquisitiones criticae*, app. I 16-20 edited fol. 9r-15r, 14a/25a, and 17r as nos. 7, 13, 8, 9, 14, 10, 15, and 12 respectively, using this MS but calling it Vat. lat. 4190; cf. p. xiii. **Bibl.** P. Fournier, 'L'origine de la collection ZZ Anselmo dedicata', *Mélanges P.F. Girard*, 2 vols. (Paris 1912) I 475-98 at 478-79 and n. 3, repr. in Fournier. *Mélanges* II 189-212 at 192-93.)

fol. 36r-75v, 78r-81iv <**Auctores varii, Epistolae**> Franciscus Richardotus episcopus Atrebatensis ad Gregorium XIII, 10 junii 1573 (fol. 36r, **Ed.** Ed. cit., app. I 27-28 no. 24, *recte* 23), Michael Thomasius in nomine Philippi Boncompagni (Card. S. Sixto) ad Jacobum Pammeliū, exemplar, 7 januarii 1575 (fol. 37r, **Ed.** Ed. cit., app. I 32 no. 31. This is apparently in reply to the letter on fol. 44r.); Michael Thomasius ad fratrem Laurentium Surium, exemplar imperfectus, 8 januarii 1575 (fol. 37r-v, **Ed.** Ed. cit., app. I 32-33 no. 32); Gasparus de Quiroga, episcopus Conchensis ad Gregorium XIII, 22 junii 1574 (fol. 38r-v, **Ed.** Ed. cit., app. I 29 no. 25); Franciscus Richardotus ad Card. S. Sixti, 11 septembris 1573 (fol. 39r-v, **Ed.** Ed. cit., app. I 14 no. 4); idem ad eodem, epistolae duae, 10 junii 1573 et 18 martii 1573 (fol. 40r-41v, **Ed.** Ed. cit., app. I 13 no. 3 and 11 no. 1); Virgilius Zuichemus ad Gregorium XIII, 17 maii 1573 (fol. 42r, **Ed.** Ed. cit., app. I 26-27 no. 22); Rector et uniuersitas studii generalis Oppidi Louvaniensis ad Gregorium XIII, 12 junii 1573 (fol. 43r-v, **Ed.** Ed. cit., app. I 28 no. 24); Jacobus Pammeliū ad Card. S. Sixti, 5 augusti 1574 (fol. 44r, **Ed.** Ed. cit., app. I 21-22 no. 17); Ambrosius Morales ad Gasparem de Quiroga, 7 junii 1574 (fol. 45r-v, **Ed.** Ed. cit., app. I 29-30 no. 26); Michael Thomasius ad Gasparem Groperum, exemplar, 5 januarii 1575 (fol. 54r-v); P<etrus> Galesini ad Franciscum Alciatum, 14 januarii 1573 (fol. 56r-v, **Ed.** Ed. cit., app. I 15-16 no. 6; **Bibl.** K. Schellhass, 'Wissenschaftliche Forschungen unter Gregor XIII. für die Neuausgabe des gratianischen Dekrets', *Papsttum und Kaisertum: Paul Kehr zum 65. Geburtstag* (München 1926, repr. Aalen 1973) 674-90 at 677 and n. 1); Franciscus Richardotus ad Gregorium XIII, 18 januarii 1573 (fol. 57r, **Ed.** Ed. cit., app. I 22-23 no. 18); idem ad Card. S. Sixti, 20 martii 1573 (fol. 58r-v, **Ed.** Ed. cit., app. I 12-13 no. 2); secretarius Correctorii (Michael Thomasius?) ad episcopum Placentinum, (<Petrus Ponce de Leon y Corduba?>), exemplar, s.d. (fol. 59r, **Ed.** Ed. cit., app. I 35 no. 34); Franciscus Richardotus ad Gregorium XIII, 20 martii 1573 (fol. 60r-v, **Ed.** Ed. cit., app. I 26 no. 21); Antonius Demochares ad Gregorium XIII, 10 februarii 1573 (fol. 61r-v, **Ed.** Ed. cit., app. I 23-24 no. 19); Michael Thomasius (?), minutae epistolae ad prelatos varios. exemplar, (fol. 62r-63v, 66r, s.d. (**Ed.** Ed. cit., app. I 33-35 no. 16); secretarius Correctorii (Michael Thomasius?) ad Jacobum <Amyotum> episcopum Autissidorensem, 1 maii

1573, (fol. 64r, **Ed.** Ed. cit., app. I 30-31 no. 27; **Bibl.** cf. Schellhass, art. cit. 683 n. 1); idem ad episcopum Atrebatensem <Franciscum Richardotum>, 1 maii 1573 (fol. 64r, **Ed.** Ed. cit., app. I 31 no. 28); idem ad Antonium Democharum, s.d. (fol. 64v, **Ed.** Ed. cit., app. I 31 no. 29); Philippus Boncompagni ad incertum prelatum, s.d., exemplar, (fol. 65r), <Jacobus> Amyotus episcopus Autissidori ad Gregorium XIII, 7 martii 1573 (fol. 73r-v, **Ed.** Ed. cit., app. I 24-25 no. 20); idem ad Card. S. Sixti, 7 martii (1573?) (fol. 74r-v and 80r, **Ed.** Ed. cit., app. I 20-21 no. 16); idem ad eodem, 12 septembris 1573 (fol. 75r-v, **Ed.** Ed. cit., app. I 14-15 no. 5).

(These folios, arranged in three quires, also consist mostly of original letters, except for the drafts on fol. 37r-v, 54r-v, and 64r-65r, the notes on fol. 62r-63v, and 66r, and the extraneous material on fol. 76r-77r (see below). Fol. 47-53, 55, 67-72 and 78-81 are the outer wrapping leaves, with addresses, traces of sealing, and occasional notes, e.g. fol. 69v (the wrapping for fol. 59r) reads: 'Exemplum epistolae scribendae ad episcopum Placentinum'. **Bibl.** Schellhass, art. cit. presents a detailed study of fol. 36-81; F.X. De Ram, 'Documents relatifs à la part prise par les docteurs de Louvain à la correction du Décret de Gratien', *Annuaire de l'Université de Louvain* (Louvain 1862) 198-221 reprints the correspondence of Richardot, Pammelius, and the doctors of Louvain, although addresses are often given incorrectly.)

fol. 76r-v **Johannes Baptista Fontana, <Minuta resolutionum in congregatione Correctorum die 6 mai 1578 apud Card. Alciatum>**

(Praefatio) IIII Kal. maias die Lunae in consistorio sanctissimus dominus noster Gregorius XIII censuit ... (Textus) Anno Domini MDLXXVIII pridie nonas maii die Martis hora XXII apud illustrissimum dominum cardinalem Alciatum praefectum primae congregationis affuere doctores ... (Finis) felix faustumque sit reipublicae christianae salutare commodumque. (Subscriptio) Jo. Bap. Fontana de comitibus IUD Mediolanensis manu propria. (**Ed.** Theiner, *Disquisitiones criticae*, app. I 35-37, no. 35. This text is a record of the consistory of 28 April and the ensuing meeting of *the Correctores* on 6 May 1578. On the meeting, cf. Kuttner, 'Some Roman Manuscripts' 17 n. 46.)

fol. 77r <Incertus auctor, **Nota ex archivio civitatis Mutinae**>

(Headed ZZ 'Saccetto primo/ numero 1090/ de anno 973', this note, on a small sheet, concerns a provincial synod held by an archbishop of Ravenna and includes a list of his suffragans.)

fol. 82r-161v <Incerti auctores, **Notae et documenta de libris et manuscriptis, ad Correctores romanos directa**>

(Rubrica) Scripta transmissa ab episcopo Mutinensi ... (Textus) Ad primum quod attinet uoluminis corpus ipsum ... (Nota ultima) (Rubrica) Inuentario de' libri dell'archivio del duomo di Milano (Textus) liber legis Salice ... (Finis) liber Burcardi de Rebus Ecclesiasticis (*sic*) (This portion of the MS is an unorganized collection of materials, some of which were possibly enclosures sent with some of the foregoing letters. In many different hands, with parts of individual items sometimes separated by the way the papers were arranged into quires, these materials include lists of books and manuscripts, excerpts, and historical notes. The *correctores* added notations and sometimes unrelated material to originally

blank leaves.)

Cat. Kristeller, *Iter* II 369. **Bibl.** Theiner, *Disquisitiones criticae*, app. I prints much of the material in this MS, although with numerous errors. **Bibl.** Ae.L. Richter, *De emendatione Gratiani dissertatio historico-critica* (Leipzig 1835) 1, 39-45; Kuttner, 'Some Roman Manuscripts' 13 n. 25, 14, 17 n. 46; K. Schellhass, 'Wissenschaftliche Forschungen unter Gregor XIII. für die Neuausgabe des gratianischen Dekrets', *Papsttum und Kaisertum: Paul Kehr zum 65. Geburtstag* (München 1926, repr. Aalen 1973) 674-90.

The MS is written in many cursive hands, some trained, others obviously not. The ink is generally brown; there is no color or decoration. Page size and written space vary considerably. Fol. 27 is mutilated. The MS is bound in 17th-century green leather over cardboard with a 19th-century white parchment spine. In addition to most of the recto sides of the wrappings of the original letters, <I>, fol. 3r-4r, 66v, 77v, 78r-v, 85v, 89v-90r, 92v, 96v-97v, 103f^r-v, 103g^v, 105b^r, 105c^v, 110v, 126v, 130r, 131v, 132v-133v, 134v, 139r-v, 155v, and 160v are blank.

Vat. lat. 4914

saec. XVmed.

Prov. Semmonecto Carachulo. **Scr.** Matthaeus.

<I> +321 fols. - (105-106) + <I> chart. 434 (274) x 282 (163) mm, origin Italy (Perugia?). Quiniones, saec. XVmed.

<I>ra-vb, <+I>ra-vb <Incertus auctor, **Lectura in Digestum**>, fragmenta duo
(These leaves are in a 15th-century cursive and are slightly smaller than the rest of the codex.)

fol. 1ra-321va **Benedictus de Benedictis**, <**Lectura in decretales**> (X 1.2.1-1.5.1; 1.29.1-1.43.14)

(Rubrica) <I>ncipit primus liber. De constitutionibus. Rubrica. (Textus) Hec continuari potest ad precedentia duobus ZZ modis: uno modo secundum Goffredum ... (fol. 1va) (Lemma primum) <C>anonum statuta: Constitutiones canonum ab omnibus sunt seruande. H. d. secundum Io. An. ... (fol. 321ra) (Lemma ultimum) ZZ <C>ompromissum: ... (Finis) in quibus finitur compromissum de quibus in dicto § compromissum etc. (Colophon) Expliciunt recollecte primi libri decretalium domini Benedicti de Benedictis de Perusio. Amen. Explicit hic liber ad laudem Dei. Qui scrixit (*sic*) nomine fuit Mathei. (**Bibl.** See Vat. lat. 2282.)

The main text is in four hands in black ink: fol. 1ra-95vb; 96ra-104vb, 111ra-227rb; and 227va-321va (Matthaeus). The author's name is noted at the top of fol. 1r. Capitals are missing or filled in later with added grotesques. A likely owner is noted at the bottom of fol. 321v, 'Semmonecto Carachulo (?)'. Decorated catchwords are centered. The MS has a 19th-century leather and parchment binding incorporating parts of a 17th-century one. Fol. 107r-110v are blank.

Vat. lat. 4915

saec. XVmed.

Prov. Franciscus de Accoltis.

<I> +741 fols. + 89a chart. 309 (235) x 210 (111) mm, origin Italy (Perugia?).

Quiniones, saec. XVmed.

fol. 1r-740v <**Benedictus de Benedictis, Lectura in Decretales**> (X 2.1.1-2.26.16)
(Invocatio) Yhesus. (Rubrica) Capra super secundo domini Francisci de Acoltis
de Arretio. (Textus) Continuatur rubrica ista ad precedentes hoc ordine
secundum Goffredum ... (fol. 1v) (Lemma primum) *De Quouult*: Qui promisit
iudicem non declinare penitere non potest ... (fol. 739v) (Lemma ultimum) *Cum
ex officii (sic)*... (Finis) Sed dominus Ny. hic tenet quod etc. (**Bibl.** See Vat. lat.
2282.)

The MS is written in an italic cursive in brown ink. Spaces for rubrics and lemmata are often left blank. Defects in the text are noted at fol. 225v. 582r, 601r, 613v, 701r (X 2.26.1). and 718r (X 2.26.10-11). The lack of X 2.19.4-7 is not noted at fol. 253r. At <I>v is written 'Capra super 2° decretalium'. Early in the MS the centered catchwords are richly decorated; later they are decorated more plainly. For the watermarks, cf. Briquet no. 2669. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one. <I>r and fol. 253v-263v, 445v-447v, 582v-587v, 601v-603r, 614r-617v, 701v-702v, 718v-719v, 730v, and 741r-v are blank.

Vat. lat. 4916

saec. XV

antea 174.

<I> +271 fols. + <III> chart. (memb.. <I> et <+I>) 424 (257) x 283 (170) mm, origin
North Italy. Quiniones, saec. XV.

fol. 1ra-4ra <Incertus auctor>, **Tractatus de nobilitate**
(fol. 1r) (Rubrica) Tractatus de nobilitate et de ortu et effectum illius. (fol. 1ra)
(Textus) <C>irca materiam nobilitatis aliqua sunt querenda. Primo an aliquis
debeat ... (Finis) ergo quod nobilitas reputatur ex acceptatione principis et eciam
populi.

fol. 4rb-5ra <Incertus auctor>, **Tractatus de bello**
(Rubrica) Tractatus de bello et unde et qua causa ortum sit. (Textus) <Q>uoniam
sepe dubitatum est unde bellum ortum habuit, dignum duxi ... (Finis) ut faciat
iusticiam c. Dominus (C.23 q.2 c.2) superius allegatum.

fol. 5rb <Incertus auctor, **Quaestio de vita austeritatis**>, fragmentum
(This is a false start.)

fol. 5va-6va **Guillelmus de Cuneo, Tractatus de officiis**
(Rubrica) Tractatus de officiis. (Praefatio) Videndum est de officiis positus in
primo libro ff. ueteris ... et immo primo uideamus de senatoribus. (Textus) De
senatoribus debes scire quod senatores fuerunt ... (Finis) ut de istis aliqua tractari
quarum uideatis ibi et sufficiant de presenti tractatu officiorum composito per me
Guillelmum de Tugno legum doctorem Tholosanum.

fol. 7ra-43vb **Martinus Garatus Laudensis, Tractatus de principibus**
(Rubrica) Domini Martini Laudensis de principibus tractatus feliciter incipit.
(Praefatio) <C>ompertum habeo principium illustrissime princeps apud non
leues (*om. cod.*) iuris auctores ... (fol. 7vb) <Tabula operum Martini Laudensis>
... (fol. 8ra) (Rubrica textus *in marg.*) De principibus. Rubrica. (Textus)
<P>incipes sunt ministri Dei in terris ... (fol. 43va) (Finis) non confiscantur l.
Insulam in principio ubi Baldus ff. soluto matrimonio (Dig. 24.3.42). (Epilogus)

- <S>epe numero magnum certamen sepissime dux inter mortales fuit ... et mei Martini de Garatis iuris utriusque doctoris tue orbis (*sic*) Laudensis cuius originarii nomen descripsi. (Colophon) Deo uirgini Marie gratias summas ... 'corre(fol. 43vb)gis in manu Dei est' (Prov. 21.1). (**Ed.** Praef. in G. Rondinini Soldi, *Il tractatus de principibus di Martino Garati da Lodi* (Milano 1968) 83-85. For the text, cf. TUI 16 fol. 204va-212rb, 212rb-vb, 212vb-213va, 278ra-vb, 278vb-281rb, 456vb-457rb, 324ra-325ra; 11.1 fol. 22vb-23vb; 16 fol. 302rb-303rb; 18 fol. 2ra-3vb; 16 fol. 1ra-1a^{ra}; 12 fol. 2ra-6rb; the epilogue is unprinted.)
- fol. 44ra-48vb **Martinus <Garatus Laudensis, Centum quaestiones de coetu et auctoritate dominorum cardinalium>**
 (Rubrica) Domini Martini Laudensis de cardinalibus tractatus feliciter incipit.
 (Praefatio) <S>epenumero cogitanti mihi ac mente repetenti reuerendissime pater Astorgi ... (fol. 44rb) (Textus) In primis querendum putavi utrum cetus cardinalium ... (fol. 48va) (Finis) quod composui pro canonizatione beati Bernardini Senensis ordinis fratrum minorum. Laus Deo. (Epilogus) Reuerendissime pater et domine mi singularissime Astorgi ... questionum nostrarum centum decisiones per breues et conclusiuas camerarias quam raptim facere. (**Colophon**) Laus Deo (Christo Ihesu. Amen *cod.*). (**Ed.** G. Rondinini Soldi, *Per la storia del cardinalato nel secolo XV* (Memorie dell' Istituto Lombardo - Accademia di Scienze e Lettere, classe di lettere - scienze morali e storiche 33.1, Milano 1973) 55-86. **Bibl.** Izbicki, 'Problems in TUI' 490.)
- fol. 48vb-51vb **Martinus <Garatus> Laudensis, Tractatus de notis Bartoli**
 (Rubrica) Domini Martini Laudensis de notis Bartoli tractatus feliciter incipit.
 (Textus) Incipit libellus note Bartoli nam sententia siue opinio Bartoli regulariter praeceps ... (Finis) Adde alium casum Angeli repet. § qui prouocauit 1. Tale pactum ff. de pactis (Dig. 2.14.40.1).
- fol. 52ra-53rb **Martinus <Garatus> Laudensis, Tractatus de canonizatione**
 (Rubrica) Incipit tractatus domini Martini Laudensis de canonizatione sanctorum. Tractatus de canonizatione sanctorum. (Inscriptio) Reuerende pater et religiosissime domine frater Iohannes de Capistrano. (Textus) Imprimisque inter cetera querendum est de miraculis factis ... (Finis) et omnes ponit Hostiensis in dicto c. 1 de reliquiis et ueneratione sanctorum libro vi^o (Sext. 3.22.1). (Epilogus) Hec que raptim scripta ... uobis reuerendo patri domino fratri Iohanni de Capistrano corrigenda et supplenda submitto. (**Colophon**) Martinus Laudensis utriusque iuris doctor excellentissimus.
- fol. 53va-64rb **Martinus Garatus Laudensis, Disputatio <de legitimatione>**
 (Rubrica) Disputatio facta per eximium ac celeberrimum iuris utriusque doctorem dominum Martinum de Garatis ciuem Laudensem ac in Ticinensi gimnasio in iure ciuili publice legentem ordinarie sub anno Domini M^o cccc xlii indictione vi^a die xiii mensis aprilis. (Textus) <A>ugerius Seyo eius patre feudatario ecclesie consentiente legitimatus extitit ... (Finis) uide Baldum in l. finali C. unde cognati (Cod. 6.15.5). (Subscriptio) Mar. (**Ed.** Cf. TUI 8.2 fol. 91va-98ra, which is badly corrupted.)
- fol. 64va-67vb **Martinus <Garatus> Laudensis, Tractatus de conscientia**
 (Rubrica) Domini Martini Laudensis de conscientia tractatus feliciter incipit. Incipit opus de conscientia. (Invocatio) Christi et gloriose uirginis Marie

nominibus inuocatis. (Praefatio) Opusculum singula lectione quadragesimali pertractandum a me Martino Laudensi ... immo primus articulus erit in miseria excommunicationis uidelicet. (Textus) <V>trum episcopus uel alius excommunicator possit ... (Finis) ut omnia [d] intelliguntur de peni. di. 5^a c. 1 (De poen. D.5 c.1). (Colophon) Laus Deo et uirgini Marie. Explicit tractatus de conscientia.

- fol. 68ra-73rb **Martinus Garatus Laudensis, Tractatus de primogenitura**
(Rubrica) Incipit opus primogeniture compositum a me Martino de Garatis Laudensi in ciuitate Bononie. (Invocatio) <I>n Christi et gloriose uirginis nominibus (nomine *ed.*). (Textus) Incipit opusculum de primogenitura licet (quamquam *cod.*) in iure nostro secundum uulgi (Vlpiani *cod.*) sententiam ... (Finis) ex quibus concluditur contrariam premissam non esse bonam. (Colophon) Laus Deo. Explicit tractatus de primogenitura. (Ed. TUI 10.1 fol. 16ra-18va.)
- fol. 73va-76vb **Martinus <Garatus> Laudensis, Tractatus de moneta**
(Rubrica) Incipit tractatus de moneta domini Martini de Laude utriusque iuris doctoris excellentissimi. (Praefatio) <C>upiens strictam monete materiam amplecti non per disputandi amplam uiam ... (Textus) Quero primo quis possit udere facere pecuniam ... (Finis) et in l. Si quis stipulatus fuerit x in melle per Bar. ff. de solutionibus (Dig. 46.3.57) (infra *add. cod.*). (Colophon) Explicit tractatus de moneta. (Ed. TUI 12 fol. 203ra-205ra.)
- fol. 77ra-78ra **<Martinus Garatus Laudensis, Tractatus de ecclesiasticis ordinibus>**
(Rubrica) Domini Martini de Laude iuris utriusque doctoris famosissimi de ecclesiasticis ordinibus libellus feliciter incipit. (Textus) <Q>uoniam in ordine inprimatur character c. Consultacioni de temporibus ordinationum (X 1.11.16) ... (Finis) et ibi glossa est quod loco apostolorum successerunt episcopi. (Colophon) Laus Deo. Explicit tractatus domini Martini Laudensis de ecclesiasticis ordinibus.
- fol. 78va-81va **Franciscus Zabarella, <Tractatus de schismate, excerpta>**
(Rubrica) Franciscus de Zabarelis in c. Licet de electione (X 1.6.6) ubi agit lactissime per quadraginta questiones de electione pape facta in discordia et de remediis post predictam. (Textus) Considerandum itaque est quod licet communiter et uere dicatur papam habere ... (fol. 79va) (Rubrica secunda) Postulato respondeo ut sequitur etc. Zambarelus. (Textus secundus) Queritur autem primo si contingat esse contencionem ... (Finis) temptaui rem hanc licet arduam et per alios intemptatam. (These excerpts match fol. 216va-217vb and fol. 212va-214va in Vat. lat. 2254.)
- fol. 82ra-157ra **Baldus <de Ubaldis>, Lectura in Codicem** (Lib. X)
(Invocatio) <R>ogo te domine ut des michi Baldo magistri Francisci de Perusio gratiam tuam in uidendo ueritatem harum legum et cetera. In nomine Patris et Filii et Spiritus sancti. Amen. (Textus) Glossa presentis rubrice diuiditur in plures (duas *cod.*) partes. Nam (in *add. cod.*) primo ponitur rubrice continuatio ... (fol. 84ra) (Lemma primum) <S> *i prius*: Ista lex est bona et solempnis et ideo bene aduertendum (aduertenda *cod.*) ... (Finis) aut non transit et est personale ut supra dixi (fuit dictum *cod.*). (Colophon) Explicit lectura domini Baldi super decimo libro codicis etc. (Ed. Baldus, *Opera* VIII fol. 238va-271vb.)
- fol. 157rb-158vb **Baldus <de Ubaldis>, Lectura in Codicem** (Lib. XI)

(Textus) Quia prouincie singule comitibus horreorum (orcorum *cod.*) que (qui *ed. male*) Rome lustrabantur (stabat *cod.*) ... (Lemma primum) <N>ullam: Nauicularii qui portant blada ad ciuitatem Romanam ... (Finis) quod talis casus euenerit. Hoc dicit (et est finis *add. cod.*). (Colophon) Explicit lectura famosissimi utriusque iuris doctoris domini Baldi super x^o (*sic*) libro codicis nec reperitur plus compilasse. Deo gratias. (**Ed.** Baldus. *Opera* VIII fol. 272ra-vb.)

fol. 162ra-271ra **Martinus Garatus Laudensis**, <**Commentaria in consuetudines feudorum**>

(Rubrica) Domini Martini Laudensis iuris utriusque doctoris excellentissimi super usibus feudorum commentum feliciter incipit. (Invocatio) <I>n nomine Dei. (fol. 162va) (Lemma primum) *Quia de feudis*: Diuiditur totum presens opusculum in tres libros. (Lemma ultimum) *Cum domino*: ... (Finis) et si esset filius secundum Bal. Hic etc. (Colophon) Explicit opus pulcerrimum tranctans (*sic*) solum modo feudalialia compositum a famosissimo utriusque iuris doctore domino Martino de Garratis Laudensi. Deo gratias.

fol. 271va <Incertus auctor, **De temporalibus ecclesiae**>, fragmentum

(Rubrica) An bona temporalia sint hereditas Christi et apostolorum et an ecclesia de temporalibus se debeat intromittere. (Textus) <Q>uoniam a nonnullis emulis ecclesie Dei uertitur in dubium ... (Finis) sed nunc magnifeste (*sic*) scriptura atestante.

<+I>v, <+Iv>, <+III>r-v <Incertus auctor, **Adnotationes legales**>

<+II>va-vb <Incertus auctor, **De ZZ iurisdictione imperatoris in Hispania et Francia**>

(Rubrica *marg.*) Hispania prefertur Galie. (Textus) Nota textum in l. In nomine Domini C. de officio prefectoris Affrice in § iubemus (Cod. 1.27.2.2) ... (Finis) sicut refert glossa ff. de origine iuris l. ii in principio (Dig. 1.2.2).

Cat. Kristeller, *Iter* II 330.

The MS was written in several cursive and humanistic bookhands in dark brown ink with sporadic annotations in the margins. Blank spaces remain for rubrics and capitals. The composite nature of the MS is suggested by the catchwords, which are at the lower right to fol. 81, framed and centered to fol. 171v, and vertical at lower right thereafter. The old ZZ shelfmark, 'no. 174', and 'sunt in isto libro folia cclxxx' are written on <+I>v. For the watermarks, cf. Briquet nos. 2639 and 11769. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one. <I> and <+I> show traces of glue. <I>, fol. 159r-161v, <+I>r, and <+II>r are blank.

Vat. lat. 4940

saec. XVmed.

antea 28. Prov. Guglielmo Sirleto (card. 1565-1585), Alan de Coetivy (card. 1448-1474) (?). <V> + 288 fols. - (102-110) + 134a chart. (memb.: <1>) 291 (170) x 198 (126) mm, origin Italy. Seniones, saec. XVmed.

fol. 1ra-177rb <**Johannes de Capistrano O.F.M. (s.), Speculum conscientiae idest de conscientia serenanda**> (See Vat. lat. 968 IVra-fol. 121rb for further information.) *Variants*:

<Tabula, rubricae, invocatio, inscriptio et praefatio desunt.>

fol. 181ra-267vb **Johannes de Capistrano O.F.M. (s.), Tractatus de cupiditate**

(Invocatio) In nomine Patris et Filii et Spiritus sancti. Amen. (Rubrica) In die cinerum in capite quadragesime in ciuitate Veronensi 1438. 26 februarii indictione 1. Tractatus contra cupiditatem seu auariciam incipit editus a fratre Iohanne de Capistrano ordinis minorum etc. (Lectio) 'Nolite thesaurizare uobis thesauros in terra.' Math. 6 (v. 19). (Textus) Vt discuciamus thesaurizationis materiam quanto breuioribus poterimus uerbis ... non teneatur inde ut concludam idem in foro iudiciali etc. (**Bibl.**: U.R. Bloomfield, *Incipits* no. 3234.)

Cat. Kristeller, *Iter* II 330.

The MS is in several cursive, hands in gray-brown ink. Capitals are red or blue; paragraph signs are red. The arms an fol. 1r may be those of Alan de Coetivy (card. 1448-1474). Notes on fol. 268v include ZZ 'Magister martibus in Romana curia casus habet'. <I>r has the note 'Emptum ex libris Cardinalis Sirleti'. Several of the notes an <II>r relate to the history of the MS: '28'; 'post S. Paulo in monasterio sancti Silvestri dedi tres carlenos. Deinde dedi duos ut redimeret a Lionardo hunc librum. Deinde die 2^a septembris mutuauit sibi duos. Sic sunt 7 in toto'; 'Auuto da mi Alessandro Giulii uenti uno duo et 2:8.10'. <V>va-vb has a later table of contents in the same hand as a note on contents at fol. 1r. Catchwords are at lower right to fol. 64v, after which they are centered. A fragment of a 12th-century breviary has been glued inside the cover cf. *Manuscripts liturgiques*, ed. Salmon I 662. The binding is 17th-century red leather over wood with traces of clasps. <I>v, <II>v-<V>r. fol. 52v, 111r-v, 177v-180v, 210v, 246v, 268r, and 269r-288v are blank.

Vat. lat. 4945 pars la

saec. XI

Prov. Giovanni Angelo, duc d'Altemps; Guglielmo Sirleto (card. 1565-1585).

<I> +6 fols. memb. 295 (225) x 195 (150) mm, origin Italy (Nonantola?). Quaternio, saec. XI.

fol. 2ra-vb <Index Commentarii Hieronymi in Isaiaam librum XVIII>

fol. 3ra-6vb <**Concilium Nicaenum**, excerpta ex fontibus variis>

Nemo qui scripturas diuinas legit ignorat quod in principio ... Canones generalium conciliorum a temporibus Constantini ... (Finis) sed immutabilis et inconuertibilis haec eadem Trinitas semper. (Colophon) Explicit synodus Niceae habita. Amen. (*al. man.*) Hanc deflorationem ex tractatu sancti Hieromini in Ysaya propheta (*sic*) Damianus clericus sancte Romane ecclesie transcribere studuit.

Ed. This compendium of texts related to the Council of Nicea is based on the Pseudo-Isidorian Decretals with additional texts interspersed. It is composed of the second letter of Pseudo-Melchiadis (*Decretales pseudo-Isidorianae*, ed. Hinschius 247-49), the short and long prefaces from the same source (ed. cit. 254-57), the metrical preface (ed. cit. 257), the symbol according to Dionysius Exiguus altera (Turner, *Monumenta* I 252-53), a short explanation of the symbol in Turner's 'Q' form (ed. cit. I 110), a short preface to the canons with the variants of Turner's 'Sp' (ed. cit. I 173), a list of canons and the canons (*Decretales pseudo-Isidorianae*, ed. Hinschius 258-260), followed by a second symbol and explanation of the same tradition (ed. cit. 260) except that the first line of the explanation ('Haec est ... patres') is missing, and finishing with the 'Fides sancti Gregorii maioris' of that edition (ed. cit. 260). The colophon added by the second hand (contemporary) refers to the text which originally followed, cf. Mercati. **Bibl.** Mercati,

Codici latini ZZ Pico Grimani Pio describing the MS at 125; M. Palma, 'Da Nonantola a Fonte Avellana. A proposito di dodici manoscritti e di un «domnus Damianus»', *Scrittura e civiltà* 2 (1978) 221-30, discussing the provenance of Vat. lat. 4945, although he does not specifically refer to this separated piece.

These six folios were separated from the rest of Vat. lat. 4945, probably shortly after the MS was purchased from the duc d'Altemps as the rest of the MS is bound with Paul V's arms, cf. Mercati. As presently constituted, the MS breaks into two parts: the index to Jerome, and the texts from the Council of Nicea. The Nicea texts are written in a single neat Italianate Carolingian minuscule in very dark ink. Enlarged capitals in the ink of the text open each piece. Space remains for the rubrics. The closing rubric referring to Jerome is by a separate hand and in red. The index seems to have been added on an originally blank guard folio and is an aid for the text which originally followed the Council. The entries are roughly done by several hands over a period of time. The original guard folio with title (fol. 1 now) has been torn and only a fragment (100 x 190 mm) remains with this MS, on the recto is the title (note) 'In hoc libro continentur Concilium Nicaenum copiosius quam in impresso'. On the verso are two notes which seem to be additions to the index on fol. 2ra-vb. On the recto of the raised pastedown (<I>) is the note 'Emptum ex libris Cardinalis Sirleti'. The parchment was lined with dry point. The cardboard binding probably dates from the 18th-century, cf. Mercati. <I>v is blank.

Vat. lat. 4961

saec. XIin.

antea 312; 92. **Prov.** Giovanni Angelo, duc d'Altemps; Colonna family; Guglielmo Sirleto (card. 1565-1585); Marcello Cervini (later Marcellus II); Fonte Avellana, monastery of Santa Croce.

<I> +109 fols. memb. 353 (282) x 229 (175) mm, origin Italy (Nonantola).

Quaterniones, saec. XIin.

fol. 1ra-108vb <**Collectio Avellana**> (See Vat. lat. 3787 for further information.)

Variant:

<Nota marginalis inseritur post rubricam textus *al. man.*>

fol. 109ra-vb <**Collectio Avellana**>, fragmentum F (See Vat. lat. 4903 fol. 431r-434r for further information.) *Variant:*

(Finis) Dardaniam *pro* Dalmatiam.

Ed. *Avellana*, ed. Günther, using this MS (siglum α). The fragment on fol. 109ra-vb consists of two fragments from another version of the collection as it appears in the edition at pp. 480 line 14-86 line 22 and 487 lines 11-13, cf. the edition p. xxx and following. **Bibl.** *Avellana*, ed. Günther, Part I, pp. xvii-xxv, giving a detailed description of the MS; S. Leo Magnus, *Opera*, ed. Ballerini, PL 54.563-66; Ballerini, *De antiq. coll.* PL 56.179-90, naming the collection from this MS; Maassen, *Geschichte* 787-92; Thiel, *Epistolae* viii, xxv-xxvi, and xxxvi-xxxvii, noting that this is the 'codex Sirleti' of the Roman editors; Maxentius alique Scythae monachi necnon Iohannes Tomitana urbis episcopus, *Opuscula*, ed. F. Glorie (CCL 85A; Turnholt 1978) 115-21. using this MS (siglum G); Kuttner, 'Some Roman Manuscripts' 21 n. 59; M. Palma, 'Da Nonantola a Fonte Avellana. A proposito di dodici manoscritti e di un «Domnus Damianus»', *Scrittura e civiltà* 2 (1978) 221-30, passim, confirming that this MS was written at Nonantola; Mercati, *Codici latini Pico Grimani Pio* 129, showing that this MS belonged to the Colonna family and the duc d'Altemps; G. Mercati, 'Il Codice dell'Avellana e "Domnus Damianus"', in G. Mercati, *Opere minori* Vol. 2 (Studi e testi 77, Città del

Vaticano 1937) 245-49; G. Vitaletti, 'Un inventario di codici sec. XIII e le vicende della Biblioteca dell'Archivio e del Tesoro di Fonte Avellana', *La Bibliofilia* 21 (1919) 58, 62-68, on Bessarion's use of this MS, a copy of which is among his MS in the Marciana; H. Mordek, 'Dalla riforma gregoriana alla *Concordia discordantium canonum* di Graziano: osservazioni marginali di un canonista su un tema non marginale', *Chiesa, diritto e ordinamento* 89-112 at 102 n. 52.

The MS is written in brown ink by four scribes, all using variations of late Carolingian minuscule. For a detailed description of the scripts, see the *Avellana* edition cited and Palma. A contemporary corrector has inserted into the space between the rubrics and the text the marginal notations which appear in Vat. lat. 3787, q.v. There are a few marginal notations in modern hands. The capitals on fol. 1ra-2va and 84r-108v are red, as are the rubrics on fol. 2v. The capitals have some light decoration worked into the form of the letter. <I>r has a title added by a 13th-century scribe: 'Liber epistolarum super controversia duorum (*sic*) Liberii et Felicis. Incip. que gesta sunt (et alique epistole pontificum et alique imperatorum *add. al. man.*) CLXXVIII'. Just above the title, in very small script, is 'lib. mon. fontis Avellane de diuersis epistolis pontificum'. Below, added by a Vatican scribe in the 17th century, is 'Emptum ex libris Cardinalis Sirleti'. On <I>v, in a late 16th-century hand, is the note: 'apographum huius codicis extat in Cod. 4903' and, in a more modern hand, 'necnon Cod. 3786'. In the upper left corner of fol. 1r is '312'. This is MS 92 in the catalogue of Cardinal Sirleto's MSS. In the lower margin of fol. 109va is the ex libris 'Iste liber est monasterii sancte Crucis fontis Avellane Eugubinae dioc.', and in the margin of fol. 109vb, in a different hand, is 'Hunc librum adquisiuit domnus Damianus S. †'; cf. Mordek. Catchwords appear at the right, very low on the page. Compass prickings are visible in the outer margins. The leather binding is from the late 19th-century.

Vat. lat. 4965

saec. IX (870-71)

antea 4964, E.N.16. **Prov.** Giovanni Angelo, duc d'Altemps; Colonna family; Guglielmo Sirleto (card. 1565-85); Ratherius de Verona, Verona; S. Maria Maggiore, or chapter library.

154 fols. + 1a memb. 367 (250) x 251 (175) mm, origin Italy (Rome). Quaterniones, saec. IX (870-871).

fol. 1v-1a^r <**Ratherius Veronensis, Epistolae 17-20**>, imperfectae

///quaedam contra spem uideantur nescire ///do uni eorum, qui assertores nostri ... (Finis) et ama et iusiurandum omnino conserua. (**Ed.** *Die Briefe des Bischofs Rather von Verona*, ed. F. Weigle (MGH Die Briefe der deutschen Kaiserzeit 1, München 1949) 106-11, using this MS (siglum V). **Bibl.** C. Cipolla, 'Lettere inedite di Raterio Vescovo di Verona', *Studi e documenti di storia e diritto* 24 (1903) 52-72, with a plate of fol. 1r; F. Weigle, 'Die Briefe Rathers von Verona', DA 1 (1937) 147-94, with a plate of part of fol. 1r.)

fol. 1a^{va}-153vb **Concilium Constantinopolitanum IV** (869) (See Vat. lat. 1332 fol. 1r-177r for further information.) *Variants*:

(Rubrica) Causa *pro* Cause <Colophon deest.> (**Ed.** Anastasius Bibliothecarius, *Praefatio* 5, MGH Epp. 7, ed. E. Caspar ZZ et al., pp. 403-15, using this MS (siglum V); of the canons only, P.P. Joannou, *Discipline générale antique (IVe-IXe s.)* (Pontificia commissione per la redazione del codice di diritto canonico orientale. Fonti I, fasc. 9: Roma 1962) 293-342, using this MS: ZZ siglum IV.)

fol. 1a^{va}-153rb <**Anastasius Bibliothecarius, Glossae ad Concilium Constantinopolitanum IV**> (869)

- (Ed. C. Leonardi, 'Anastasio Bibliotecario e l'ottavo concilio ecumenico', *Studi medievali* ser. 3 vol. 8.1 (1967) 59-192 at 163-182, using this MS.)
- fol. 5va-153va <**Ratherius Veronensis, Glossae ad Concilium Constantinopolitanum IV**> (869)
- (Ed. Leonardi, 'Anastasio' 183-192, from this MS: ZZ C. Leonardi, 'Le "Notae" agli atti dell'ottavo concilio ecumenico', CCLM 46A, pp. 304-10, reprinting 34 glosses.)
- fol. 49rb, 65va, 91ra, 135ra, and 149va <Incertus auctor, forsan Ratherius Veronensis **Glossae ad Concilium Constantinopolitanum IV**> (869)
- (Bibl. ZZ Leonardi, 'Anastasio' 167 no. 30.)
- fol. 153v-154r <**Ratherius Veronensis, Epistola 22**>
- (Inscriptio) <Ser>enissimo atque piissimo imperatorum a Deo electo ... Ratherius ... miserissimi ceteris omnibus. (fol. 154r) (Textus) Tantillitatis clementissime domine uilitas atque paupertatulae ... (Finis) restituam qualemcumque, quem illi abstulit si non despicit monachum. (Ed. *Die Briefe*, ed. Weigle, pp. 115-19 (siglum V). See p. 115 n. 2 on the convoluted order of the letter in the MS. Bibl. See above, fol. Iv-Ia^r.)
- fol. 154r <**Ratherius Veronensis, Excerpta ex decretis Innocentii papae I**>
- (Rubrica) Ex decretis Innocentii cap. Liii. (Textus) Ubi uulnus infixum est ... (Finis) Anastasius octauae synodi contra (*sic*) describtor. (Ed. *Die Briefe*., ed. Weigle, p. 113 n. 1; C. Cipolla, 'Lettere inedite di Raterio Vescovo di Verona', *Studi e documenti di storia e diritto* 24 (1903) 54. Bibl. Leonardi, 'Anastasio' 186 and n. 30.)
- fol. 154v <**Ratherius Veronensis, Epistola**>. fragmentum
- ///niebat et ducem uestrum ///issimum sit omnibus utrosque eos de preda///isse et lacrimis miserorum. (Ed. *Die Briefe*, ed. Weigle, p. 118 n. a.)
- fol. 154v <**Ratherius Veronensis, Qualitatis coniectura**>, fragmentum
- <Cavilla>toribus igitur materiem (*sic*) ad id, cui instant (instant cui *ed.*) agendum ... (Finis) nullus fecit de me promere tempto ipse relatum. (Ed. F. Weigle, 'Die Briefe Rathers von Verona', DA 1 (1937) ZZ 194.)

Bibl. Leonardi, 'Anastasio' 59-192, with plates of 18 different folios from this MS; B. Bischoff, *Anecdota Novissima. Texte des vierten bis sechzehnten Jahrhunderts* (Quellen und Untersuchungen zur lateinischen Philologie des Mittelalters 7; Stuttgart 1984) 11; P. Supino Martini, 'La produzione libraria e quella epigrafica', *Scrittura e Civiltà* 2 (1978) 45-95; Mercati, *Codici latini Pico Grimani Pio* 106-43, esp. 131, showing this MS belonged to the Colonna family and the duc d'Altemps before entering the Vatican library in 1612; MGH Epp. VI, Karolini Aevi, ed. Perels, collates the letters of Nicolaus I from this MS (siglum D) at 263, 433, and passim, see also Vat. lat. 3789.

The main text was written in brown ink in Carolingian minuscule by the copyists of Anasiasius Bibliothecarius. This is a working MS with hundreds of corrections, in both the main text and Anastasius's glosses. On fol. 1a the opening inscription is red with a yellow wash; the initials are in ink with yellow. In the rest of the text a rubric or initial is occasionally red or an initial has some red decoration. The works on fol. 1v-1a^r and 153v-154v were added by Ratherius of Verona, along with his glosses to the main text, in the 10th century. Fol. 1v-1a^r and 153v-154v are drafts, very roughly written. On fol. 1a^r the ex libris: 'Liber sancte (in a 14th-century hand) Mariae Maioris Veronensis seu Capituli Veronensis' (in a 16th-century hand). The latter hand is also responsible for 'Capituli ecclesie Veronensis' at the top of fol. 2r. 'Liber

maioris ...' and 'Emptum ex libris Cardinalis Sirleti' appear on fol. 1r, along with the former shelfmarks, '4964' and 'E. N. 26'. Attached to fol. 43r is a slip with notes by A. Mai. Quires are irregular but predominantly quaternions, each signed with a centered roman numeral; cf. Leonardi, 'Anastasio' p. 146 for a full collation. The MS was numbered in the 16th century, except for fol. 1, which has since been numbered; the original '1' is now '1a'. The MS has a new binding of quarter leather on wood boards with clasps. Fol. 12r is blank.

Vat. lat. 4976

saec. XVIex./XVIIin.

211 fols. chart. 326 (246) x 220 (138) mm, origin Italy (Rome). Quiniones, saec. XVIex./XVIIin.

fol. 1r-211v <**Collectio Caesaraugustana, recensio 2**> (*olim* recensio 1), imperfecta (Rubrica) Incipiunt capitula libri primi sacrorum canonum. <Tituli libri primi> ... (fol. 3r) (Rubrica) Augustinus in secundo libro de ordine. (Textus) Ad discendum dupliciter ducimur, auctoritate, atque ratione ... (Finis) Sic enim dicit, ZZ 'et fecit Deus hominem, ad imaginem Dei fecit eum' (Gen. 1.27) /// (cf. Barb. lat. 897 fol. 193vb, Lib. 10 c. 48).

Bibl. *Pelagii I epistulae*, edd. P. Gassó et C. Batlle xxxv-xxxix, reexamining the MS tradition of the *Caesaraugustana* and replacing Fournier's two recensions with three, wherein this form becomes *recensio 2*, but not mentioning this MS; S. Kuttner and W. Hartmann, 'A new version of Pope John VIII's decree on sacrilege (Council of Troyes, 878)', BMCL 17 (1987) 1-32 at 26-27 and n. 14, clarifying the Gassó-Batlle division into three recensions and listing this MS as of *recensio 2* in the new classification (note that all previous scholarship, including the remaining bibliography included here will list this MS as belonging to *recensio 1*, except as noted); P. Fournier, 'La collection canonique dite "Caesaraugustana"', *Nouvelle revue d'histoire de droit français et étranger* 45 (1921) 52-79, repr. in Fournier, *Mélanges* II 815-41 at 54 (816) and 70 (832) no. 2, Fournier-Le Bras, *Histoire* II 269 and 280 n. 2; ZZ Ballerini, *De antiq. coll.* PL 56.352. Blumenthal, *Early councils* 104 n. 13, on the occurrence of the anti-investiture canon of 1108 (fol. 48r); Conrat, *Geschichte* 390-93, using and quoting from this MS for Roman law excerpts in the Collection; E. Tejero, 'El matrimonio en la *Collectio Caesaraugustana*', *Proceedings Cambridge* 115-34, mentioning this MS at 117.

Written in dark brown, perhaps originally black ink, in the fine secretarial cursive of the Vatican *scriptores*, this copy ends abruptly with five lines of text on a folio left otherwise blank. The scribe also copied the cross-references to Gratian. On fol. 4v-209r there are marginal references, possibly to the exemplar (H.2 p.2 ... H.2 89) since they are accompanied by lines that seem to divide the sentences. Every folio has a catchword. The early 17th-century binding is of leather over wood, with vestiges of the clasps. Fol. 2v is blank.

Vat. lat. 4977

saec. XII

antea 2.8 Prov. ZZ Antonio Agustín, abp. of Tarragona (1577-86).

<I> +89 fols. memb. (chart.: <1>) 242 (178) x 166 (117) mm. Quaterniones, saec. XII.

fol. 1r-v, 1v-6v <**Gratianus, Decretum**, excerpta>

Forma uero apostolorum hec est ... (Finis) et ecclesie Dei satisfaciant. (**Bibl.**

Kuttner, 'Some Roman Manuscripts' 7-9, describing the contents of the excerpts

which were identified in the margins by Agustín.)

fol. 2 r-v <**Hugo de Sancto Victore, De sacramentis**, excerpta>

(Rubrica) De his qui oculte nubunt uel postquam nupserint aliqua uerenda contra coniugium faciunt. (Textus) Quidam uxorem duxit sine presentia testium solo ad inuicem maritali consensu ... (Finis) ut in matrimonio quod eius attestazione firmatum est fidem seruet (seruat *ZZ cod.*) (**Ed.** PL 176.488-94 passim; edited as an entity by Kuttner, 'Some Roman Manuscripts' 25-26 as a *quaestio* on clandestine marriage, with the identification corrected in BMCL 2 at p. 5.)

fol 6v-23v <**Collectio in 74 titulos digesta**, excerpta>

(Textus) Si difficile et ambiguum aput te iudicium esse perspexeris inter sanguinem ... (Capitulum ultimum) Hoc ad nos peruenisse non dissimili ... (Finis) per distincta ecclesiastici ordinis exerceatur officia. Videat quod immitetur /// (*ed.* 87 line 9) (**Ed.** *Diuersorum patrum sententiae siue Collectio in LXXIV titulos digesta*, ed. J.T. Gilchrist (MIC Ser. B: Corpus *collectionum* 1; Città del Vaticano 1973). The excerpts, drawn from the Liège recension, have no identifiable common theme.)

fol. 24r-89v <**Collectio canonum**>, imperfecta

/// aut meritum obediencie aut experientiam ... et qui non meruit ordinari. (Inscriptio *marg.*) Siricius papa. (Textus) Vos autem iam non estis in carne ... (Rom. 8.9) et ubi (*hubi cod.*) poterit nisi in corporibus sicut legimus ... (Excerptum ultimum) (Invocatio) In Dei nomine. (Textus) Ego .ill. indignus presbyter uel diaconus corde et ore (Finis) altare Deo *optuli* astantibus uenerabilibus ill. ill. (**Ed.** The first complete text is from Siricius, 'Directa ad decessorem' cap. VII, cf. PL 67.235B-C Contrary to Fournier's identification, the incomplete text beginning the collection is not from the Sirician letter. It is unidentified. The last text, unidentified, is an oath anathematizing Henry IV and Guibert of Ravenna (anti-pope Clement III). **Bibl.** P. Fournier, Un groupe de recueils canoniques italiens des X^e et XI^e siècles, *Mémoires de l'Institut national de France* 40 (1916) 95-213 at 206-08, repr. in Fournier, *Mélanges* 213-331 at 324-26; Fournier-LeBras, *Histoire* II 125-27; M. Fornisari, 'Un manoscritto e una collezione canonica del secolo XI provenienti da Farfa', *Benedictina* 10 (1956) 199-210 at 199 n. 4; R.E. Reynolds, *The Ordinals of Christ from their Origins to the Twelfth Century* (Beiträge zur Geschichte und Quellenkunde des Mittelalters ZZ 7 Berlin-New York 1978) 92, on the ordinal at fol. 37r; Blumenthal, *Early Councils* 109, 113 and using the MS (siglum Vb) for the edition of the canons of the Lateran council of 1110 (fol. 89r-v); Gossman, *Urban II* 18, printing the canon 'Gregorii papae et Urbani papae' from fol. 50r, but not able to identify it from the corpus of either Gregory VII or Urban II; Gilchrist, 'Reception' part. 1, p. 69, and Brommer, 'Rezeption', 133, on texts of Gregory VII and Theodulph of Orleans, respectively, in this collection.)

Bibl. *Diuersorum patrum sententiae siue Collectio in LXXIV titulos digesta*, ed. J.T. Gilchrist (MIC Ser. B: Corpus *collectionum* 1; Città del Vaticano 1973) lxi, noting that Fournier's supposition that this is an composite MS (fol. 1-23 and 24-89) cannot be correct because fol. 24 is the last folio of the 3rd quire; ZZ Kuttner, 'Some Roman Manuscripts' 7-9 and S. Kuttner, *Medieval Councils, Decretals, and Collections of*

Canon Law (London 1980) *Retractiones* 1-2; F. Patetta, *Studi sulle fonti giuridiche medievali*, ed. G. Astuti (Torino 1967) 157.

The MS is written in late Carolingian minuscule by multiple hands. The ink is red-brown through fol. 6v, thereafter very dark brown, perhaps originally black. Rubrics are red from fol. 24v. From fol. 6v capitals are red, some with decoration in ink. Notes in the hand of Antonio Agustín identifying texts can be found throughout the MS. This is no. 285 of his *Bibliotheca latina* (cf. Kuttner 7). Traces of the instructions for the rubricator are often visible along the outer edges. There are no catchwords. Prickings are visible throughout. Through fol. 8 the parchment is prepared with two rows of compass prickings. Damaged margins were repaired with parchment; some folios are partly protected with thin sheets of yellow paper. Fol. 89r-v is badly stained. The MS has a 19th-century parchment binding. Fol. 4v is blank.

Vat. lat. 4978

saec. XV, XVI

Scr. Gregorius Haloandrus (fol. 1ra-2vb).

4 + lxxxv fols. - lvii chart. 412 (340) x 286 (222) mm, origin Italy. Seniones, saec. XV, XVI.

fol. 1ra-2vb **Canones apostolorum**

(Rubrica). Canones sanctorum apostolorum per Clementem a Petro apostolo Romae ordinatum episcopum in unum congesti. (Textus) Episcopus a duobus aut tribus episcopis ... (fol. 2va) (Finis) publicare non oportet ob quadam archana qua in se (fol. 2vb) continent et actiones nostras apostolorum (Colophon) Finis apostolicorum canonum Gregorio Haloandro interprete. (**Ed.** F.X. Funk, *Didascalia et constitutiones apostolorum*, 2 vols. (Paderborn 1905; repr. Torino 1970) I 565-93, not using this MS. The MS text corresponds to, but differs substantially from ZZ Lib. 8.47 of Funk's text.)

fol. i^{ra}-xli^{rb} <**Pseudo-Isidorus, Decretales**, excerpta>

(Rubrica *marg. al. man.*) De sacerdotibus. (Inscriptio) <P>oncianus episcopus Criboni (*sic*) salutem. (Textus) Oppido cor uestrum caritati uestre congaudet quod studium sancte religionis ... (Finis) saluatore Ihesu Christo annuente tradidimus perhenniter atque feliciter possidendam (*sic*). (Rubrica) Sextum C. ZZ (Datum) <D>iuinitas nos (*sic*) conseruet per multos annos ... Rome sub die tercio kalendarum (*sic*) aprilium ... uiris clarissimus consulibus. (**Ed.** *Decretales pseudo-Isidorianae*, ed. Hinschius 147-247, 249-254. **Bibl.** See Vat. lat. 630 fol. 1va-309rb.)

fol. xli^{rb}-xlv^{va} **Concilium Nicaenum**

(Rubrica) Sequitur de Niceno concilio. (fol. xli^{va}) Quo tempo (*sic*) sit Nicenum concilium. (Textus) <C>anones generalium conciliorum a temporibus Constantini ... (fol. xlv^{vb}) (Finis) non similiter inquisitionem de heresibus habuerit. (Rubrica subscriptionum) Et conscripserunt CCC.xviii episcopi qui in eodem concilio conuenerunt. (Subscriptiones) <O>sus episcopus ciuitatis Cordulensis (*sic*) prouincie Spanie ... Theophilus Guthias. Lanidos Bosphoron. (Colophon) Expliciunt nomina episcoporum Niceni concilii. (**Ed.** *Decretales pseudo-Isidorianae*, ed. Hinschius, 254-57, 260, 258-60; Turner, *Monumenta* I 36-90. **Bibl.** See Vat. lat. 1319 fol. 241ra-243rb. The text seems to be a conflation of several traditions. It is basically the pseudo-Isidorian text with an addition to the preface, the symbol appearing both before and after the canons,

and the subscriptions according to the Dionysio-Hadriana tradition following the second copy of the symbol.)

fol. xlv^{va}-xlvii^{vb} <**Pseudo-Isidorus, Decretales**, excerptum>

(Rubrica) Incipiunt decreta quedam ex sinodalibus gestis sancti Siluestri pape per capitula. (fol. xlv^{vb}) <Tabula titulorum> ... (Rubrica textus) Primum. C. (Textus) <T>emporibus sancti Siluestri pape et Constantini (fol. xlvii^{ra}) piissimi augusti factum est magnum concilium ... (Finis) gradus suscipi nisi quinque episcoporum designatus sit cyrographis. (Ed. *Decretales pseudo-Isidorianae*, ed. Hinschius, 449-51, the excerpt *Ex synodalibus gestis Siluestri*. **Bibl.** See Vat. lat. 630 fol. 1va-390rb.)

fol. xlvii^{vb}-xlix^{vb} <**Constitutum**> **Sylvestri**

(Rubrica) Incipiunt canones Siluestri pape. (Textus) <E>odem tempore cum multi nobiles gaderent (*sic*) quod Constantinus esset baptizatus ... (Finis) hunc Silvester episcopus in urbe Roma et omnibus episcopis aspersit. (Datum) Actum in termis Traianis xiii kl. iunias domino Constantino augusto quarto et Pisto (*sic*) consulibus. (Colophon) Expliciunt decreta quedam ex synodalibus gestis sancti Siluestri pape. (Ed. Cf. Mansi 2.620-32. **Bibl.** See Vat. lat. 3788 fol. 198ra-200rb. The text lacks any episcopal names in c. 1. The text is a conflation of the two edited in Mansi, with wide variations from both.)

fol. xlix^{vb}-li^{rb} **Concilium Constantinopolitanum I** (381)

(Rubrica) Incipit sinodus que facta est Constantinopoli aduersus heresim Macedonianam ab episcopis numero .cl. sub Teodosio [era] maiore Siagrio Eueuerio (*sic*) consulibus era ccccxviii. <Tabula titulorum> ... (fol. l^{ra}) (Textus) <H>ee regulae siue distinctiones sunt exposite ab episcopis ... (fol. l^{va}) (Finis) Expectamus resurrectionem mortuorum et uitam futuri seculi. Amen. Et subscripserunt centum quinquaginta episcopi qui in eodem concilio conuenerunt. <Subscriptiones> ... (Colophon) Explicit canon concilii Constantinopolitani. (Ed. Turner, *Monumenta* II 406-38. The text is the pseudo-Isidorian version.)

fol. li^{rb}-lxxxv^{vb} **Concilium Ephesinum**, fragmenta

(Rubrica) Incipit translacio primi Ephesini concilii. Tractatus primus beati Cyrilli Alexandrini episcopi de incarnatione Domini ad tocius Egypti monachis contra (fol. li^{va}) Nestorium Constantinopolitanum episcopum. (Textus) <V>enerunt quidem aliqui eorum qui nobiscum sunt secundum consuetudinem ... (Finis) pietati et contra eam sapientem Nestorium deposuimus /// (The text breaks off in mid-sentence at the end of a page and quire, with the catchword *tam a sacri*- at the bottom of the last verso. **Ed.** *Acta conc. oecum.*, ed. Schwartz, 1.3, ZZ pp. 3-10 line 12, 18 line 11-26 line 21, 37 line 3-40 line 28, 41 line 27-43, 40 line 29-41 line 26, 44-47 line 8, 26 line 23-37 line 2, 47 line 14-48 line 31, 49 line 21-50 line 30, 49 line 5-18, 52 line 17-109 line 23. **Bibl.** See Vat. lat. 1319 fol. 1ra-91vb.)

Bibl. H. Mordek, 'Codices Pseudo-Isidoriani. Addenda zu dem gleichnamigen Buch von Schafer Williams', AKKR 147 (1978) 471-78 at 474-76.

The MS is written in gothic bookhand except for the *Canones apostolorum* which were added in the fine Italic hand of Gregorius Holoandrus. The ink is dark brown. Space was left for initials (only one was done, on fol. lxxxv^{vb}); - the next letter is often decorated. The main scribe added occasional corrections and

running titles. There are a few marginal notes in a contemporary hand. Catchwords are at the lower right, sometimes framed or decorated. For the watermarks, cf. Briquet no. 8390. The MS is bound in leather over wood boards with traces of clasps. Inside the front cover, a binding scrap contains the words '... die xv martii /// Imprimis hospitali /// reformationis /// sed econtra ...'. Fol. 3r-4v are blank.

Vat. lat. 4979

saec. IX

antea G99. Prov. Antonio Agustín, abp. of Tarragona (1577-86); Ratherius de Verona; Verona, S. Maria Maggiore, or chapter library.

II + 124 fols. memb. (chart.: I-II) 388 (275) x 277 (202) mm, origin Italy (Verona).

Quaterniones, saec. IX.

fol. 1ra-124vb <**Collectio Dionysio-Hadriana**>, fragmenta

(Rubrica) Incipiunt canones Serdicensis numero xii. 1. De episcopis etiam laicam (*sic*) communione priuandis qui ciuitates mutauerint. (Textus) Osius episcopus dixit. Non minus mala consuetudo quam perniosa (*ed.* 175D) ... (Finis) omnibus pariter huius culpaе reis anathematis poena (*ed.* 325D) /// (**Ed.** and **Bibl.** See Vat. lat. 631 fol. 342ra-406vb; Ballerini, *De antiq. coll.* PL 56.208-09, referring to this MS as 4969 (they also used the MS for their edition of the letters of Leo I, q.v.; PL 54.557-58); F. Maassen, 'Bibliotheca latina iuris canonici manuscripta', Sb. Akad. Vienna 53 (1866) 373-427 at 398; R. Kottje, 'Einheit und Vielfalt des kirchlichen Lebens in der Karolingerzeit', ZKG 76 (1965), 323-342; Mordek, *Kirchenrecht* 246. At least a third of the collection is missing. The text begins with the Council of Sardica and ends in c. 1 of Symmachus's Roman council of 1 March 499. There are substantial lacunae; see C. Leonardi, 'Von Pacific zu Rather', DA 41 (1985) 390-417 at 391-94 for an identification of the surviving sections and probable contents of the missing folios.)

fol. 11vb-124va, passim <**Ratherius de Verona, Glossae et notabilia**>

(**Ed.** C. Leonardi 'Von Pacific zu Rather', DA 41 (1985) 390-417 at 407-17 from this MS, 186 notations are included, made up of 'Nota' marks, crosses, variant readings, noteworthy words, and glosses; C. Leonardi, 'Le "Cruces" alla "Collectio Dionysio-Hadriana"', CCLM 46A, pp. 310-14, publishing the 16 autograph notabilia and glosses of Rather.)

Bibl. C. Leonardi, 'Von Pacific zu Rather', DA 41 (1985) 390-417, with plates of portions of fol. 3r and 19r and including a careful collation of the surviving quires of the codex; Kuttner, 'Some Roman Manuscripts' 22; C. Leonardi, 'Per una storia dell'edizione romana dei concili ecumenici (1608-1612) da Antonio Agustín a Francesco Aduarte', *Mélanges Eugène Tisserant* 6 (Studi e Testi 236; Città del Vaticano 1964) 583-637 at 618 n. 214.

The MS is written in a fine Carolingian minuscule in dark brown ink, possibly by several scribes, at Verona in the school of Pacificus (cf. Leonardi, 'Von Pacificus ...'). The codex is a very fragmentary one. The first 10 quires are missing. Quire xxii has fallen away between fol. 83v and 84r, as has quire xxiv between fol. 91v and 92r. Two double folios from the center of quire xxvii are missing between fol. 116v and 117r, as are the two central leaves of quire xxix between fol. 121v and 122r. Quire xxviii is the last surviving quire. At least three further quires would have been necessary to complete the collection. Major sections begin with a line of display script in varying combinations of red, yellow, and green, with rubrics

written in uncial script. Sometimes the first initial of a section is decorated in red, yellow, and green. Capitals are generally red, as are the rubrics. The text is corrected (to a second exemplar?) in several contemporary hands, one of which may be that of Pacificus of Verona. Marginal notes are in several hands, including those of Pacificus, Rather of Verona, and Antonio Agustín. (The manuscript was No. 284 of Agustín's Bibliotheca latina.) Quires are marked in a contemporary hand with roman numerals on the last leaves centered at the lower margin line. Construction varies, but most quires are quaternions. Pricking is occasionally visible. On Ir is the note 'G99 Corpus canon.' The MS has a parchment binding, probably of the 16th century. [IIv]: Antiquus codex canonum Sanctae Romanae Ecclesiae, cuius priores X quaterniones [+ cancelled] desiderantur, iis autem Apostolorum et orientalium Conciliorum Canones continebantur. Iv-IIr are blank.

Vat. lat. 4980

saec. XII; XI/XII

76 fols. memb. 360 (275) x 245 (166) mm. origin Italy. Quaterniones, saec. XII; XI/XII.
 fol. 1ra-75vb <**Burchardus Wormacensis, Decretum**>, fragmenta (See Vat. lat. 1355 fol. 1r-310r for further information.) *Variants*:
 ///et abneptis, quartus. Trinepos et trineptis, quintus (ed. 781C-D) ... (Finis) ut cum intellegat uidebit /// (ed. 996A)
 fol. 2v <**Arbor consanguinitatis cum figura**>
 (Not listed in Schadt, *Arbores*, the figure is a typical Burchardian form.)
 fol. 76ra-vb <**Burchardus Wormacensis, Decretum**>, fragmentum (Lib. 6.34med.-40med.) (See Vat. lat. 1355 fol. 1r-310r for further information.)
 (Ed. PL 140.772D/773A-775B.)

Bibl. Fransen, 'La tradition' 115 on the variant nature of the lacuna in Book 12; H. Mordek, 'Handschriftenforschungen in Italien, QF 51 (1971) 626--71 at 644-45 and n. 55, and 647, with a good description of the fragments; Ballerini, *De antiq. coll.* PL 56.321, recognizing these fragments as part of Burchard's *Decretum*.
 The MS has been badly preserved. Although the chapter numeration is often confused, apart from the characteristic lacuna ZZ and fol. 76 (see below), the fragments appear to present an integral text, not excerpts. Surviving are: Book 7.10med. (781C-D)-30prin. (786C); Book 8.25fin. (796C)-11.tab.(856B); Book 11.3med. (858B)-17.39fin. (927A); and Book 19.tab. (med.) (945C)-53 (996A). The top of fol. 35 is torn off, causing the loss of part of the table and the beginning of Book 13. The lacuna in Book 12 is limited to cc. 19-20, and these have been added at the end of the book. Fol. 6-13 have been misbound and should be read: 9r-10v, 6r-v, 13r-v, 7r-v, 12r-v, 8r-v, and 11r-v. The inscriptions identifying the canons are written in the margins by the scribe. The *praefatiunculae* are not always present; when they appear, they follow the table as part of the first rubric.

The MS is written in brown ink in Italian Carolingian minuscule. Marginalia in a 16th-century hand appears occasionally in Book 19. Large book initials are formed in romanesque white vine design on a multi-colored background. Some folios appear to have been torn out for their initials. Chapter capitals and rubrics are red. No quire numbers have been preserved. Fol. 76 appears to have been part of a different MS. It is smaller, 305 (245) x 213 (150) mm, and has been glued to fol. 75. It is written in an earlier, more upright, version of Italian Carolingian minuscule. In this fragment, inscriptions are in the margins; chapter capitals are red. The leather binding is from the late 19th-century.

Vat. lat. 4981

saec. XII

86 fols. memb. 360 (265) x 265 (173) mm. origin Italy. Quaterniones, saec. XII.
 fol. 1ra-86vb <**Burchardus Wormacensis, Decretum**>, fragmenta (see Vat. lat. 1355
 fol. 1-310r for further information.) *Variants:*
 /// iudicabitur reus, sed etiam ex concilio manebit obnoxius (ed. 572A) ... (Finis)
 quod a sua ZZ compage resoluitur, et ad iunctura caritatis dissociatur (ed. 857C)
 ///

Bibl. Fransen, 'La tradition' 115; Pelster, 'Decret' 143; *Coll. Farfensis* ed. Kölzer §49 n. 159; H. Mordek, 'Handschriftenforschungen in Italien, QF 51 (1971) 626-71 at 645 and n. 55, correcting Pelster, 'Decret'; Reynolds, 'Epistula' 291, noting that this MS has the common Burchardian form of the *Epistula ad Leudefredum* at fol. 37v-38v (Dec. 3.50); Lowe, *Beneventan Script* I 165 and II 151.

The MS is in very bad state of preservation. Only two large sets of fragments remain. Within these fragments, folios are often torn with loss of text. The first set contains: Book 1.89fin. (PL140.572A)-94.Int. 23 rub. (574D); 1.94.Int.40 (575D)-Int.44med. (576C); 1.94.Int.78fin. (579A)-182med. (603A); 1.188fin. (605A)-Book 2.156med. (651D); Book 3.39med. (679D)-58med.(685 A) (with partial loss of text in cc. 47-58); 3.133med. (699D)-143med. (710D); and 3.154med. (703D)-Book 5.48 (762A). The second set contains: Book 8.16med. (795B)-37fin. (799A); 850fin. (803B)-71rub. (807A); 8.86med. (809A)-9.54rub. (824C); Book 9.59prin. (825C)-73med. (827D); Book 10.45fin. (845D)-46fin. (847C); and 10.47med. (849C)-11.2med. (857C). Inscriptions to the canons are set in the column after the rubric. *Praefatiunculae* are present before the tables of chapters. Within the tables, the chapters are often not numbered; they are also seldom numbered in the text itself. The *ordo synodi* which follows Book 3 is the alternate form also found in Vat. lat. 1355, q.v. The *admonitio synodalis* is not present. The order of chapters at times varies from the editions, and there are many bad readings.

The MS is written in a beautiful Beneventan script in brown ink. Space remains for large initials at the beginning of each book. Rubrics for the books are sometimes written in display script with the lines of text alternating in red and brown. Chapter capitals and rubrics are red. Marginalia in a 13th-century hand note key points in the text; the same annotator also corrected some passages in the text. As noted above, many of the folios are in poor condition, either darkened by fire or badly torn; many have been mounted on new parchment. Although the original MS was probably all quaternions, the loss of many leaves has caused the present collation to be irregular. The MS is ruled in dry point, and prickings are still visible on some folios. There is an older hand-numbering, which reflects an earlier misbinding, and a new stamped foliation. The latter is followed here. The leather Vatican binding is from the 19th-century.

Vat. lat. 4982

saec. XVI.2 (e. 1572-73)

<II> + 304 fols. chart. 355 (280) x 229 (177) mm, origin France (?). Terniones, saec. XVI.2 (c. 1572-73). Mordek 865-881

fol 1r-66v <**Benedictus Levita, Capitularium, (or Capitularii) liber III (VII) et additiones II-IV**>

<Tabula titulorum> ... (fol. 9v) (Rubrica) Incipit liber septimus. Nonnulla haec (*add. sup. lin.*) capitula pro breuitate libri canonum atque leuitate a domno Karolo ...et postea a domno Hludouico eius filio suisque proceribus aucta sunt. Cap. I. (Textus) Vt unaquaeque ecclesia siue unusquisque sacerdos ... (Finis) sicut (*res add. ed.*) ad fiscum nostrum pertinentes contineri solent. Finit. (**Ed.** MGH Leges 2.2, ed. G. Pertz, pp. 98-158. **Bibl.** E. Seckel, 'Studien zu Benedictus Levita', I NA 26 (1900) 37-72, II-V NA 29 (1904) 277-331, VI NA

31 (1905) 59-139, VII,1 NA 34 (1909) 321-81, VII,2 NA 35 (1910) 105-91, VII,3 NA 35 (1910) 433-539, VIII,1 NA 39 (1914) 327-431, VIII,2 NA 40 (1915) 15-130, VIII,3 NA 41 (1919) 157-263; E. Seckel (†) und J. Juncker, 'Studien zu Benedictus Levita', VIII,4 ZRG Kan. Abt. 23 (1934) 269-377 und 24 (1935) 1-112; E. Seckel, 'Benedictus Levita decurtatus et excerptus', *Festschrift der Berliner Juristenfakultät für Heinrich Brünner* (München 1914) 377-464 at 382, where Seckel describes this MS as a partial copy of a lost Beauvais MS known to Baluze, 403 n. 4, und 445 n. 9; Fournier-Le Bras, *Histoire* I 145-71; Fuhrmann, *Einfluss und Verbreitung* 163-67, esp. n. 52 discussing the aborted attempts at a new edition. At the top of fol. 1r is the note 'Est liber VII^{us} capitularis Caroli M. et Ludoici Pii quod P. Pitheus edidit.' This excerpt contains Book III (identified as Book VII of Ansegesis's *Capitularium*) with Additions II-IV. The scribe has accidentally included the first capitulum of *Additio IV* in the opening rubric before the table; it is then missing at the beginning of the text itself.)

fol. 66v-67r <**Infeudatio terrarum in diocesi Bellovacensi**>

Pantaleon de Britolio cum diu iniuste detinisset alodum sancti Petri de Troissonis curte ... (Finis) de alodo et omnibus ad alodum pertinentibus ab illo die in antea in damno essent. (Datum) Hec dimissio, haec absolutio, haec contentio facta est in ecclesia beati Petri apostoli ante ipsius altare prima dominica post octavas paschae V. kl. mart. anno ab incarnatione Domini MLXXX tempore Guidonis episcopi regnante Philippo Rege. <Subscriptions> (The subscriptions are divided into groups according to the parties of the dispute.)

fol. 67v-75v <**Capitularia Karolini aevi**, excerpta>

(Rubrica) Incipiunt capitula quae acta sunt anno quarto regni domni Karoli gloriosi regis domni Hludouici imperatoris filii in conuentu habito in uilla quae dicitur Colonia ... indictione VI. Cap. I. (Textus) De honore uidelicet et cultu Dei atque sanctorum ecclesiarum ... (Capitulum ultimum) Vt sic (*om. cod.*) simul coniuncti et uos fratres ad inuicem et nos cum fidelibus nostris ... (Finis) manibus propriis eadem subter firmauimus (*firmamus cod.*). (Ed. MGH Capit. 2, edd. A. Boretius and V. Krause, pp. 253, 255, 112-16, 383-87, 261-62 (MS 3), 403-16 passim, 68-74 (MS 3), using this MS where noted. Marginal notes in a contemporary hand make references to the appearance of texts in other collections, including the printed edition of Sirmond.)

fol. 76r-98v **Leontius Neapolis episcopus, Vita Iohannis Eleemosynarii Alexandrini patriarchae, interprete Anastasio bibliothecario**

(Rubrica) Incipit praefatio. (Anastasii ad Nicolaum papam *add. al. man.*). (Praefatio) Cogitante ac diu tacite soliciteque ... (fol. 76v) <Tabula capitulorum> ... (fol. 77v) (Rubrica) Incipit praefatio Leontii episcopi (Neapoleos *add. sup. lin.*) Cypriorum insulae de uita et actione sancti patris nostri Iohannis archiepiscopi Alexandrini. Cap. I. (Praefatio secunda) Intentio quidem una est nostra quoque et eorum (*forum cod.*) qui ante nos fuerunt studiosorum ... (Textus) Cum peruenissem Alexandriam ego indignus ad amplectendos sanctos ... (Finis) gloria honor imperium nunc et semper, et in secula seculorum. Amen. (Colophon) Expliciunt acta sancti Ioannis Heleimonis ... Leontius (*sic*) episcopus

Neapoleos Cypriorum insulae ea studiose suppleuit ... Anastasio peccatori interpretari praecepit. (**Ed.** PL 73.337-84. 'Vita Johannis Eleemonis p. Alexandrini, interprete Anastasio bibliothecario' has been added in the upper margin of fol. 76r.)

fol. 99r-150v <**Capitularia Carolini aevi**, excerpta>

(Rubrica) Ista capitula constituta sunt a domno Carolo in synodo apud Suessionis ciuitatem in monasterio sancti Medardi anno incarnationis Dominicae DCCCLIII in mense aprili (Textus) Vt missi nostri per ciuitates et singula monasteria tam canonicorum quam monachorum ... (Capitulum ultimum) Quia dominus noster Ioannes sanctissimus papa ... (Finis) in perpetuum mansurum statuet et firmabit. (**Ed.** MGH Capit. 2, edd. A. Boretius and V. Krause, pp. 267-70 (MS 12), 75-76 (MS 4), 271-74 (MS 10), 177-78, 76-78 (MS 3), 434-35 (MS 6), 279-82 (MS 6), 283-91 (MS 4), 293-96 (MS 1), 427-49 (MS 6), 153-58 (MS 7), 297-302 (MS 4), 159-65 (MS 6), 311-32 (MS 1), 165-67 (MS 4), 338-41 (MS 3), 191-94 (MS 3), 342-44 (MS 4), 99-104 (MS 7), 350-53 (MS 5), using this MS as noted. The excerpts also include a letter of John VIII (JL 1032) at fol. 148r (MGH Epp. 7, edd. E. Caspar and G. Laehr, p. 316, using this MS, but misciting the MS as having the text on fol. 153r). The copyist noted that a folio was missing in the original manuscript and left space in his transcription at fol. 127v.)

fol. 151r **Fulbertus episcopus Carnotensis**, <**Epistola**>

(Rubrica) De forma fidelitatis inter domnum et fidelem suum. (Inscriptio) Glorioso duci Aquitanorum W. Fulbertus Carnotensis episcopus orationis suffragium. (Textus) De forma fidelitatis aliquid scribere monitus ... (Finis) deprehensus fuerit perfidus et periurus. (**Ed.** PL 141.229-30 or C.22 q.5 c.18 (Friedberg I). The text has the inscription as in PL but omits the end of the letter, agreeing with Gratian. A note in the margin (by Holste?) identifies the text as from Gratian. This version has several textual variations from both Gratian and the PL edition; the variations are noted by the annotator.)

fol. 153r-183v <**Concilium Lemovicense II** (1031)>

(Textus) Factum est illo tempore, ut Dei nutu in festiuitate dedicationis templi Domini saluatoris ... (Finis) Et episcopus ait, Dominus dixit in euangelio, Omnis qui reliquerit ... aut filios aut agros. (Matt. 19.29) (Nota scriptoris) Reliqua desunt. (**Ed.** Mansi 19.507-48; the MS ends a few words short of the edition, although both are incomplete. A note in the upper margin identifies the source of the text: 'Ex ecclesia sancti Martialis Lemouicensis'.)

fol. 185r-196v <**Collectio Quesnelliana**, excerpta>

(Rubrica) Secunda epistola sine titulo cuiusquam, sic incipit. (Textus) Comperi quosdam existimationi meae detrahentes ... (fol. 196r) (Excerptum ultimum) (Rubrica) Incipit libellus beati Augustini de fide catholica contra omnes haereses. (Textus) Credimus in unum uerum Deum Patrem omnipotentem ... (Finis) uel fuerit ueneratus, anathema sit. Explicit. (**Ed.** *Collectio Quesnelliana*, edd. Ballerini, PL 56.741-42, 743 (ref. to PL 54.1169-73), 664-73, 673-78, 585-87. The excerpts are cc. 66, 67, 52, 53 (lacking the *forma fidei*), and 40. There are only two lines of text on fol. 187v, the rest of the side being blank.)

fol. 197r-197v **Assertiones Gilberti Porretani Pictauensis episcopi** <**et symbolum contra iisdem**> eodem ?

- (Rubrica) Assertiones Gilberti Porretani Pictauensis episcopi. (Textus) Quod diuina natura, quae diuinitas dicitur ... (Symbolum) Credimus et confitemur simplicem naturam diuinitatis ... (Finis) dicas, incarnatam esse, sed in filio. (**Ed.** Mansi 21.711-13. **Bibl.** John of Salisbury, *Historia Pontificalis*, ed. M. Chibnall (London 1956; repr. Oxford 1986) 15-41 for John's record of this confrontation between Gilbert and Bernard of Clairveaux, including John's version of the symbol. Cf. also fol. 247r-248r *infra*.)
- fol. 199r-200r **Innocentius II**, <**Epistolae duae**> (JL 8148, 8149) (See Vat. lat. 1340 fol. 369vb-370ra for further information.) *Variants*:
(Rubrica) Decreta Innocentii secundi. (Inscriptio) Clareuallensi *pro* Clareuallis
(A note in the upper margin of fol. 199r identifies the source of the text: 'Ex bibliotheca sancti Victoris'.)
- fol. 200r-204r <**Concilium Lateranense II**> (1139) (See Vat. lat. 1340 fol. 370ra-371vb for further information.)
(A later hand has added marginal references to Gratian's *Decretum*.)
- fol. 205r-236v <**Concilium Trosleianum**> (909)
(Rubrica) Concilium Remense (*sic*). (Praefatio) Sanctum et Deo autore celebratum ... (fol. 207r) (Canones) (Rubrica) De honore et cultu ecclesiarum Dei (mundi *cod.*). (Textus) Igitur decernimus ut cultus (cuilibet *cod.*) atque ecclesiarum honor (honore *cod.*) ecclesiarum Dei ... (Finis) uirtus et gloria in secula saeculorum. Amen. (Subscriptiones) X-P (Reuerendus *cod.*) Herveus Remorum archiepiscopus his dictis annuens subscripsit ... Otgarius (Otcarius *cod.*) episcopus Ambianensis subscripsit. (**Ed.** Mansi 18.263-308, but the text is corrected against Reg. lat. 418 fol. 3r-73r, not the edition. **Bibl.** G. Schmitz, 'Das Konzil von Trosly (909). Überlieferung und Quellen', DA 33 (1977) 341-434. An annotator has underlined the date and location of the council ('in pago Suessionico in loco Trosleyo') and noted the discrepancies in the incipit. A note in the upper margin identifies the source of the text: 'Ex bibliotheca sancti Remigii Remensis'.)
- fol. 237r <Incertus auctor, **Gesta Hervei archiepiscopi Remensis**, excerpta>
Anno nongentesimo secundo incarnationis dominicae, decimo sexto uidelicet (*om. cod.*) kl. octobris ... (Rubrica) Versus retro altare sancti Remigii in Chuosla saltus Vosagi. (Textus) Hanc aram templumque simul sub honore dicauit ... (Finis) septembris radiens lampade Phoebigena. (**Ed.** MGH Scriptores 30.2, ed. F. Baethgen, pp. 755-76, reprinting A. Werminghoff, 'Reise nach Italien im Jahre 1901', NA 27 (1902) 565-604 at 598-99, from Reg. lat. 418 fol. 73v-74v.)
- fol. 237v-238r **Johannes** <**X, Epistola**> (JL 3553)
(Rubrica) Rescriptum domini Ioannis papae ad consulta Eruei Remorum archiepiscopi de Normannis ... ubi demum habetur absolutio sui suorumque.
(Inscriptio) Ioannes episcopus seruus seruorum Dei reuerentissimo confratri nostro Herueo Remorum archiepiscopo. (Textus) Vestrae fraternitatis uestraeque reuerendae sanctitatis mellifluas litteras ... (Finis) pro nobis piis supplicationibus intercedere. (**Ed.** PL 131.27-29. A marginal note by the annotator reads: 'Ioannes IX uel potius X'.)
- fol. 241r-v <**Concilium Liftinense**> (743)
(Rubrica) De alio synodali conuentu. (Textus) Modo autem in hoc synodali

conuentu qui congregatus est ad kl. martias in loco qui dicitur Liftinas ... (Finis)
et damnetur quindecim solidis. (Ed. MGH Conc. 2.1, ed. A. Werminghoff, pp. 6-7, not mentioning this MS.)

- fol. 241v-245v **Bonifatius, archiepiscopus Mogontiae (s.), Epistolae duae**
(Rubrica) Item epistola Bonifacii archiepiscopi. (Inscriptio) Domino charissimo et in Christi amore ... Aecheldobaldo regi Bonifatius ... in Christo charitatis salutem. (Textus) Confitemur coram Deo et sanctis angelis ... (fol. 245r)
(Epistola secunda) (Rubrica) Item epistola Bonifacii archiepiscopi. (Inscriptio) Domine dilectissime et in amore Christi ... Bonifacius exiguus indignus episcopus sorori Buygam abbatissae aeternam in Christo salutem. (Textus) Notum sit tibi, soror charissima de illo consilio ... (Finis) inter nos numquam (nunquam *cod.*) deficere scias. Vale in Christo. (Ed. MGH Epp. 3. ed. E. Dümmler, pp. 340-44, 277-78. The letters are to Aethelbald, king of Mercia, and to Abbess Bugga. The text of the first letter is incomplete, breaking off with the words 'si uniuersum mundum lucretur etc.')
- fol. 247r-248r <**Concilium Remense**> (1148) (See Vat. lat. 1340 fol. 371vb-372vb for further information.) *Variants:*
(Rubrica) Decreta Eugenii papae III. (Textus) sententia *om. et add. al. man. marg.* (A note in the margin reads 'edidit C. Baronius ad an. Christi 1148.' This text has been heavily corrected by a second hand. Cf. also fol. 197r-v *supra.*)
- fol. 249r **Gregorius <Thaumaturgus, episcopus Neocaesareae (s.), Expositio> fidei**
(Rubrica) Fides Gregorii maioris. (Textus) Vnus Deus principium et Pater uerbi uiuentis ... (Finis) haec eadem Trinitas semper. (Ed. PL 84.104; the text is as it appears in the *Collectio Hispana.*)
- fol. 249r-250r <**Pseudo-Isidorus, Decretales**, excerptum>
(Rubrica) Quod omnes de filio Dei et Spiritu sancto male sentientes similes sint Iudaeis et de unitate Trinitatis. (Textus) Quod si quis patiatur Deum Patrem (Finis) ordinabiliter offerentibus solertius intendamus. (Ed. *Decretales pseudo-Isidorianae*, ed. Hinschius, pp. 508-09.)
- fol. 251r-299r <**Remigius Lugdunensis (s.)>, De tribus epistolis liber**
(Rubrica) In nomine Domini nostri Iesu Christi. Incipit libellus de tribus quibusdam epistolis uenerabilium episcoporum quid de earum sensu et assertionibus iuxta catholicae ueritatis regulam sentiendum sit. (Praefatio) Quorundam uenerabilium uirorum, trium, uerum, episcoporum ... (fol. 251v)
(Textus) Primus igitur qui ut supra diximus miserabilis illius monachi ... (Finis) quam quidem promittentes circa fidem exciderunt. Explicit. (Ed. PL 121.985-1068. **Bibl.** HLF 5.449-461. A note in the upper margin identifies the source of this section: 'Ex bibliotheca domini Tilletii.')
- fol. 301r-v <**Concilium**> **Andegauense** (453)
<Tabula capitulorum canonum> ... (Rubrica) Incipit constitutio Andegauensis. (Textus) Cum ad ordinandum episcopum ... (Finis) aduersus contemptorem licebit exurgere. (Ed. CC 148, ed. C. Munier, pp. 137-39, with the table following the canons.)
- fol. 303r-304v <**Auctores varii, id est**> **Bonifatius, archiepiscopus Mogontiae (s.); Daniel, episcopus Vintonensis and Karolus Martellus**, Epistolae
(Rubrica) Epistola Bonifacii episcopi ad Stephanum. (Inscriptio) Domino

excellentissimo ... Stephano papae Bonifatius exiguus episcopus ... in Christo caritatis (fidem *add. cod.*) salutem. (Textus) Sanctitatis uestrae clementiam intimis ... (Epistola ultima) (Rubrica) Epistola Karoli. (Inscriptio) Dominis sanctis et apostolicis in Christo patribus episcopis, ducibus ... uir Carolus maiordomus benecupiens uester. (Textus) Cognoscatis qualiter apostolicus uir in Christo pater Bonifatius ... (Finis) et de annulo nostro subter sigillauimus. (Ed. MGH Epp. 3, ed. E. Dümmler, pp. 394, 257, 170-71).

Bibl. K. Schellhass, 'Wissenschaftliche Forschungen unter Gregor XIII.', in *Papsttum und Kaisertum. Paul Kehr zum 65. Geburtstag*, ed. A. Brackman (München 1926; anast. repr. Aalen 1973) 674-90 at 684 nn. 3 and 4 and 690 Nachtrag, disputing Seckel's claim the MS is a copy of a Beauvais original; J.L. Nelson, 'Legislation and consensus in the reign of Charles the Bald', in *Ideal and reality in Frankish and Anglo-Saxon society. Studies presented to J.M. Wallace-Hadrill*, edd. P. Wormald et al. (Oxford 1983) 202-27 at 206-07 and nn. 22 and 24, accepting the Carolingian capitularies in this MS as from the Beauvais MS; G. Schmitz, art. cit. 356-58, with a short description of fol. 205r-238v, considering them as 'nicht zweifelhaft' copied from Reg. lat. 418. and discussing the use of the MS by the *Correctores Romani*.

The MS is a composite, written in brown ink by multiple scribes in variations of secretarial script. The hand usually changes with each section, identifiable by the blank folios signaling a change. As noted above, passim, the sections usually have a note on their source in the upper corner of the first folio. Seckel has suggested the first section is from a lost Beauvais MS. Fol. 205r-238v are from the library of Reims and appear to be copied from Reg. lat. 418, q.v. Schmitz, art. cit. 357-58, suggests the contents of the MS were gathered at the request of J. Amyot, bishop of Auxerre, for the *Correctores Romani* in 1572-73. <I>r has an old title glued to it: 'Capitulare Caroli Magni et Ludoici Pii, et Caroli Calvi' written in a hand contemporary with the MS. On fol. 35r is a note signed by L. Holste. Many of the other notes scattered through the MS may be in his hand. There are catchwords on each verso. For watermarks, cf. Briquet no. 8077, and one unidentified (two 'X' over one another, with a crown above and 'Edmond ///' below). The MS has a 19th-century parchment binding. <I>v-<II>v, fol. 36v, 151v-152v, 184r-v, 198r-v, 204v, 238v-240v, 246r-v, 248v, 250v, 299v-300v, and 302r-v are blank.

Vat. lat. 4983

saec. XVI

Prov. Antonio Agustín, abp. of Tarragona (1577-86); Miguel Tomás Taxaquet, bp. of Lerida (1577-78).

634 fols. chart. 335 (241) x 230 (145) mm, origin Italy. Quaterniones, saec. XVI.

fol. 1r-2v <**De modo celebrandi concilium**>

ZZ (Rubrica) Incipit ordo de celebrando concilio. (Textus) Hora diei prima ante solis ortum eiciantur ... (Finis) et tranquille excclesiastica negotia terminentur. (Ed. G.P. Pozzi, II 'De modo celebrandi Concilium' nel manoscritto Vat. lat. 5748 (Città del Vaticano 1965) 29-52. The manuscript the editor worked from lacked internal rubrics, and he included the extra material, including much of the prefatory material to the Dionysio-Hadriana; see Vat. lat. 5748 and E. Seckel, *Die erste Zeile Pseudoisidors, die Hadriana-Rezension ...*, ed. H. Fuhrmann (Sb. Akad. Berlin 4; 1959) 1-46.)

fol. 2v-3r **Definitio de tumultu concilii patrum**

(Rubrica) Diffinitio de tumultu concilii patrum. (Textus) In loco benedictionis

- considentes domini sacerdotes ... (Finis) et trium dierum excommunicationis sententiam perferat. (**Ed.** Pozzi, op. cit. 52-54. **Bibl.** See above.)
- fol. 3r-4r <**Collectio Dionysio-Hadriana, praefationis excerptum**> (See Vat. lat. 1337 fol. 1ra-vb for further information.) *Variants:*
 (Rubrica) De IIII. synodis principalibus. (Textus) Canon graece, latine regula nuncupatur ... (Finis) sic concilium a societate multorum in unum. (**Bibl.** See above.)
- fol. 4r-7r <**Collectio Dionysio-Hadriana, praefationis Adnotationes I-III**>
 (Rubrica) Item ratio de canonibus apostolorum, et de sex synodis principalibus. (Textus) Apostolorum canones qui per Clementem ... (Finis) sub anathematis uinculo alligauit. (**Ed.** Pozzi, op. cit. 60-74. **Bibl.** See above. For *Adnotatio II*, see also Vat. lat. 1341 fol. 1vb-2rb.)
- fol. 7r-13v <**Pseudo**>**Ambrosius, Libellus de dignitate sacerdotali** (See Vat. lat. 1344 fol. 130ra-132bis^{rb} for further information.) *Variants:*
 (Rubrica) Incipit libellus sancti Ambrosii de uita et ordinatione episcoporum. <Colophon deest.>
- fol. 13v-20v **Gregorius <I (s.), Epistola>** (JE 1092)
 (Rubrica) Gregorius papa Ioanni Constantinopolitano, *Eulogio* (eologio *cod.*) Alexandrino, Gregorio Antiocheno, Ioanni Ierosolimitano et Anastasio ex patriarchiae Antiochiae. (Textus) Consideranti mihi, quod impar meritis ... (Finis) in unitate Spiritus sancti, per omnia secula seculorum Amen (**Ed.** MGH Epp. 1 ed. P. Ewald and L.M. Hartmann, pp. 28-37.)
- fol
 . 22r-607v <**Anselmus Lucensis (s.), Collectio canonum**>, recensio C aucta
 (Rubrica) Incipiunt capitula libri primi <Tabula capitulorum libri primi> ... (fol. 25r) (Rubrica) Incipit auctentica et compendiosa collectio regularum et sententiarum sanctorum patrum et auctorabilium conciliorum. Incipit liber primus de primatu et excellentia Romanae ecclesiae. Quod post Christum a Petro sacerdotalis ordo cepit. Anacletus papa iii. (Textus) In nouo testamento post Christum dominum nostrum a Petro sacerdotalis caepit ordo ... (Finis) quod quidem sacerdotes esse saltem credere omnino errare est. (**Ed.** *Anselmi episcopi Lucensis collectio canonum una cum collectiones minores*, ed. F. Thaner (Oeniponte 1915, anast. repr. Aalen 1965), using this MS (siglum V₄); the unfinished edition ends on fol. 476r of this MS; for Gelasius I, 'Valde mirati sumus ...' see *Avellana*, ed. Günther I 369-98, using this MS (siglum A³). **Bibl.** P. Landau, 'Erweiterte Fassungen der Kanonessammlung des Anselm von Lucca aus dem 12. Jahrhundert', *Sant'Anselmo, Mantova e la lotta per le investiture*, ed. P. Golinelli (Bologna 1987) 323-37 (trans. into Italian as 'Intorno alle redazioni più ampie del XII secolo della raccolta dei canoni di Anselmo da Lucca' at 339-48), esp. 333-36 (siglum V₄); idem, 'Die Rezension C der Sammlung des Anselm von Lucca', *BMCL* 16 (1986) 17-54, a detailed examination of the recension based on this MS with a presentation of the additions together with incipit lists; Ballerini, *De antiq. coll.* PL 56.326. citing this MS is a recent copy of Anselm of Lucca, P. Fournier, 'Observations sur diverses recensions de la collection canonique d'Anselme de Lucques', *Annales de l'Université de Grenoble* 13 (1901) 427-58 at 428, 443-49, repr. in Fournier, *Mélanges* II 635-66 at 636, 651-

- 57, identifying this as a copy of Recension C; Fournier-Le Bras, *Histoire* II 176 n. 1, 193 n. 2, 195; Gossman, *ZZ Urban II* 40-41; A.M. Stickler, 'Il potere coattivo materiale della Chiesa nella riforma gregoriana secondo Anselmo di Lucca', *Studi Gregoriani* 2 (1947) 235-85 citing this MS (siglum V₄) at ZZ 243 n.15, and 268 n. 101; Mordek, *Kirchenrecht* citing this MS at 136 n. 179, and 137 nn. 180 and 182; Fuhrmann, *Einfluss und Verbreitung* citing this MS at 780 n. 13; Conrat, *Geschichte* 364 n. 9 and 365 n. 7; and see Vat. lat. 1363.)
- fol. 607v-615r <**Isidorus Hispalensis (s.), Etymologiae, excerptum**> (Lib. 8 c. 5) (Rubrica) In fine totius libri. De heresibus Christianorum. (fol. 608r) (Textus) Quidam etiam heretici qui (*om. ed.*) de ecclesia recesserunt ... (Finis) licet de ecclesia non recesserit tamen hereticus appellari potest. (**Ed.** PL 82.298-305; and see Vat. lat. 3830 fol. 20r-23v.)
- fol. 616r-618v <**Ordo Romanorum pontificum**> (Petrus- Innocentius II) (**Textus**) Petrus sedit annos xxv. mensem unum, dies septem ... (Finis) Honorius sedit annos -. Innocentius sedit annos -.
- fol. 619r-621r <**Ordo Romanorum imperatorum**> (Caesar-Conradus III) (**Textus**) Gaius Iulius Cesar regnavit annos v ... (Finis) Lotharius regnavit annos -. Conradus regnavit annos -.
- fol. 621v <**Concilium Lateranense I**> (1123), cc. 20-22 (**Textus**) Paternarum traditionum exemplis commonita pastoralis offitii ... (Finis) irritum erit et canonice ultioni subiacebit. (**Ed.** *Conc. oecum. decreta*, ed. C. Leonardi, as canons 20-22, although here c. 22 is divided in two. **Bibl.** Kuttner, 'Some Roman Manuscripts' 14 n. 28; M. Brett, 'The canons of the First Lateran Council in English manuscripts', *Proceedings Berkeley* 13-28 at 20-22 and nn. 26-28.)
- fol. 625r-634r <Incertus auctor, **Collectio canonum**> (Rubrica) Institue (*sic*) lib. 1, cap. X. (Inscriptio) Primus liber institutionum tit. x. (Textus) Item (*Inter ed.*) eas (*enim add. ed.*) personas que parentum ... (Canon ultimum) (Rubrica) Quod monachus (*sic*) licet penitentiam dare et baptizari. Bonifatius papa. (Textus) Sunt nonnulli nullo dogmate fulti ... (Finis) si eos digne contigerit hoc misterio sublimari. (**Ed.** For fol. 625r-630v, PL 161.1203-1304. These canons were copied out as a single piece, then numbered continuously by Antonio Agustín from 1 to 76. After numbering, Agustín identified many of them in the margin. The first thirty-five are taken from Ivo of Chartres's *Panormia*, book 7, cc. 53-90. Agustín drew a small line after the last of these, then correlated many of the others with Gratian's *Decretum*, most of which are found in C.16 q.1 and C.18 q.2. The last, the famous Pseudo-Bonifatius IV decretum (JE †1966, cf. Vat. lat. 1347 fol. 74r) is equated by Agustín with C.16 q.1 c.25.)

Bibl. F. Fossier, 'Premières recherches sur les manuscrits latins du cardinal Marcello Cervini (1551-1555)', *MEFR* 91 (1979) 381-456 at 442 suggests that this MS may be equated with Cervini's MS 46, sent from Montepulciano to Rome in 1574; but Kuttner, 'Some Roman Manuscripts' 14-20, states that this MS is a copy of a lost 12th-century MS which had belonged to Hieronymus Parisetti, and that it belonged to Antonio Agustín (no. 283 of his catalogue), who had purchased it from Miguel Tomás Taxaquet, bishop of Lerida.

The MS was written in dark brown ink (perhaps faded from black) in fine secretarial cursive by two scribes, with a change of hand at fol. 625r. There is no decoration, other than penwork initials copying romanesque and gothic forms by the first scribe. There are extensive marginal notes by Antonio Agustín, particularly for correspondences with Gratian's *Decretum*. The MS suffers from water damage beginning on fol. 220, which affects the text from fol. 460. For the watermark, cf. Briquet no. 969. The unmarked parchment binding may be original. Fol. 21r-v, 615v, 622r-624v, and 634v are blank.

Vat. lat. 4988

saec. XV

antea 196. Prov. Antonio Agustín, bp. of Lerida (1561-76), abp. of Tarragona (1577-86).

92 fols. + 1a + 89<a-e> + 89a chart. 290 (216) x 218 (113) mm, origin Italy. Seniones, saec. XV.

fol. 1a^r-28v, 36r-46v, 80r-87v **Johannes XXII; Benedictus XII; Clemens VI; Innocentius VI; Urbanus V; Gregorius XI; Urbanus VI; Bonifatius IX; Innocentius VII; Gregorius XII; Eugenius IV; Nicolaus V, Regulae cancellariae apostolicae**

(Invocatio) Aue gratia plena. (Rubrica) Regule date in cancellar<ia> per dominum Iohannem papam XXII. (Praefatio) Infrascripte sunt regule restrictue tradite de mandato ... (Textus) In primis iniunxit nobis ut supra ut (quod *cod.*) simus omnes attentis ... (Finis) in quibus sic arctati successiue ad ipsos ordines promouentur. (Ed. Ottenthal, *Regulae* 1-89, 238-68, using this MS (siglum A). The *regula* of Eugenius IV on fol. 36v is unedited.)

fol. 29r-v <**Eugenius IV, Bulla unionis Graecorum**> (See Vat. lat. 2934 pars I for further information.) *Variants*:

<Rubrica deest.> (Datum) in ecclesia maiori solempniter *pro* solempniter in ecclesia maiori.

fol. 30r-32r **Concilium Constantiense (1414-1418)** (Sessio 38)

(Textus) Frequens generalium conciliorum celebratio agri Dominici precipua cultura est ... (Finis) super hoc edita specialiter in suo robore duratura.

(Colophon) Supradicta statuta et decreta publicata fuerunt et lecta in sessione publica in sacro generali Constanciensi concilio anno Domini 1417^o et die 20 mensis octobris etc. (Ed. *Conc. oecum. decreta*, ed. P. Prodi, pp. 438-43.)

fol. 32v-35r <**Martinus V, Concordata cum natione Germanica in concilio Constantiensi**>, imperfecta

(Rubrica) Ista sunt ordinata et decreta per dominum nostrum papam Martinum quintum super reformatione. (Praefatio) (Et *add. cod.*) Ego Iohannes episcopus (*om. cod.*) Ostiensis sancte Romane ecclesie cardinalis et uicecancellarius infrascriptas constitutiones et statuta transuidi (tradita *cod.*) in cancellaria ... (Rubrica textus) De numero et qualitate cardinalium. (Textus) Statuimus ut deinceps numerus cardinalium sancte Romane ecclesie adeo sit moderatus ... (Finis) seu alias (aut alias *cod.*) intelligentem sacerdotem /// (Ed. A. Mercati, *Raccolta di concordati* (Roma 1919) 157-62.)

fol. 35v-36v <**Eugenius IV, Const. Quasi lucernam**>

(Ed. H. Denifle, *Chartularium Universitatis Parisiensis* IV (Parisiis 1897) 538 no. 2407.)

fol. 47v-78v, 89r-92v <**Tancredus de Corneto, Practica**>, imperfecta (See Vat. lat.

2656 fol. 1a^{ra}-27ra for further information.) *Variants*:

(Invocatio) Ave gratia plena. Ad laudem et honorem eterni Dei. Amen. (Rubrica)
Incipit summula questionum cui (*sic*) nomen est compendiosa eo quod in ea uarie
et diuerse questiones sub compendio terminantur et incipit prohemium. (Rubrica
ante textum) De questionibus circa iurisdictionem continentem duodecim
questiones et prima utrum ualeat sententia eius qui ultra quantitatem sue
iurisdictionis iudicat et in quo. (Textus) iuxta *pro* circa (Finis) sicut etiam est in
nomine generali sub quo plures speties ZZ (spetiens^{ac}) continentur.

Bibl. Ottenthal, *Regulae* xxx-xxxi and xxxvii-xxxviii.

The MS is in several cursive bookhands, some of a humanistic type, in gray (to fol. 79) or black (fol. 80 onward) ink. The first part of this composite collection (fol. 1r-28v) has red capitals and paragraph signs. The *regulae* of Nicolaus V have been bound into the midst of the *Practica* of Tancredus. They are followed by four blank unnumbered folios (89<a-d>), and the Tancredus text starts again on fol. 89a (so numbered). Fol. 1r is marked 'In pluteo II'. Fol. 1a^r has the former shelfmark '196' (crossed out), the ex libris 'Antonii Agustini episcopi ZZ Ilerden.' and the numbers '24.1.2 [4]50'. Notes on the contents appear on fol. 2r. For the watermarks, cf. Briquet nos. 8348 and 7646. Catchwords are at lower right. The MS has a 19th-century parchment binding. Fol. 1v, 79r-v, and 88r-89<d>v are blank.

Vat. lat. 4989

saec. XV.1

antea 461. **Prov.** Antonio Agustín, bp. of Lerida (1561-76), abp. of Tarragona (1577-86); Luis Gomez, bp. of Sarno (1534-43).

<II> + 149 fols. + <II> memb. 234 (155) x 164 (107) mm, origin Germany. Seniones, saec. XV.1.

<II>r <**Adnotationes ZZ de regulis cancellariae apostolicae**>

fol. 1r-149v **Johannes XXII; Benedictus XII; Clemens VI; Innocentius VI; Urbanus V; Gregorius XI; Clemens VII; Benedictus XIII; Johannes XXIII; Martinus V; Eugenius IV; Nicolaus V, <Regulae cancellariae apostolicae>**

(Rubrica) Regule date in cancellaria per dominum Iohannem papam xxii.

(Praefatio) Infrascripte sunt regule restrictiue tradite de mandato ... (Textus) In primis iniunxit nobis ut supra ut (quod *cod.*) simus omnes actenti ... (Finis) in quibus sic arctati succesiue ad ipsos ordines promouentur. (**Ed.** Ottenthal, *Regulae* 1-24 no. 46 and 26-54 no. 35 (fol. 1r-33v), 124-50 no. 147a (fol. 40v-65v), 171-86 (fol. 73r-91v), 187-213 no. 110 (fol. 93r-122v), 214-15 no. 117 (fol. 123r), 238-52 no. 102 (fol. 126v-135v), 255-68 (fol. 137r-149v), using this MS (siglum E). The *Regulae* of Clement VII at fol. 33v-40v, with the exception of the unedited texts at the end, match the collection in Vat. lat. 3983 fol. 65r-69v.)

Bibl. Ottenthal, *Regulae* xxxi, xxxv, xxxvii, and xli-xlii.

The first part of the MS (fol. 1r-122v) is in a cursive hand in dark gray ink. Other scribes added the texts on fol. 123r, on fol. 137r-149v, and the notes on <II>r in similar hands. The text at fol. 126v-135v is in a humanistic bookhand in a lighter gray ink. Annotations in a later hand, possibly that of Luis Gomez, include notes on omitted *regulae* at fol. 33v, 66r, and 136r. Other notes (e.g. fol. 55v) appear to be by Antonio Agustín. <I>r has a fragment of a formulary. <II>r is also marked '[in pluteo .II.]'. Fol. 1r has the

following ex libris marks: 'Ludouici Gomez episcopi Sarnensis auditoris rote [cancellarie S.P. regentis] regens. 461.'; 'Antonii Augustini episcopi Ilerdensis'. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one. <I>v, <II>v, fol. 66v-72v, 123v-126r, 136v, and <+I>r- <+II>v are blank.

Vat. lat. 4990

saec. XV.1

197 fols. chart. (memb.: 49 et 60) 297 (218) x 203 (144) mm, origin Switzerland (Basel); Italy. Seniones, saec. XV.1.

fol. 1r-14v <**Constitutiones sive Extravagantes variorum R.R. pontificum**>, nominantur: Johannes XXII, *Const. Ratio iuris* (fol. 1r-3v); Benedictus XII, *Const. Decens et necessarium* (fol. 3v-5r); Gregorius XI, *Const. Quamuis a felicitis recordationis* (fol. 5r-6r); Martinus V, *Const. In apostolicae* (fol. 6r-10r), *Quoniam nouissima* (fol. 10r-v), *Romani pontificis* (fol. 10v-14v). (**Ed.** See Vat. lat. 2665 fol. 108r-131v.)

fol. 15r-17v <**Martinus V, Reformationes curiae**> (See Vat. lat. 2665 fol. 156r-160v for further information.) *Variants*: (Rubrica) Reformationes pape Martini. (Praefatio) papa dominus Martinus quintus *pro* Martinus papa quintus (Colophon) constitucones (*sic*) me presente in cancellaria *add. post* predictae; die xvi mensis *om.*; in audientia ... nostri *om.*

fol. 17v-20v <**Constitutiones sive Extravagantes variorum R.R. pontificum**>, nominantur: Johannes XXII, *Const. Execrabilis* (Extrav. commun. 3.2.4) (fol. 19v-20v); Benedictus XII, *Const. Ad regimen* (Extrav. commun. 3.2.13) (fol. 18v-19r), *Dudum certis* (fol. 19r-v), Johannes XXIII, *Const. Congruit et convenit* (fol. 17v); Martinus V, *Const. Romanum decet pontificem* (fol. 18r). (Connecting passages were added at fol. 17v-18r and at the end of the constitution of Martin V on fol. 18r. The first appears to derive from the Council of Basel ['hoc sacro probante concilio'], while the second seems to derive from the chancery of Martin V.)

fol. 20v-23v <Incertus auctor>, **Casus extravagantium** (Rubrica) Casus extrauagantium Iohannis xxii. (Lemma *in marg.*) *Quorundam exigit*: Approbando declaracionem Nicolai pape iii et cle. S. super regula fratrum minorum ... (Lemma ultimum *in marg.*) *Postulasti*: ... (Finis) ergo ista debent dari camere in fructibus primi anni. (**Bibl.** *Extravagantes Iohannis XXII*, ed. Tarrant, p. 3 n. 4, identifying these texts; T.M. Izbicki, 'The problem of canonical portion in the later Middle Ages: The application of "Super cathedram", ' *Proceedings Cambridge* 459-73 at 461 n. 11, mentioning a brief *casus* on Clement V's renewal of *Super cathedram* at fol. 22v (miscited as Vat. lat. 3990), The popes represented are: Boniface VIII, fol. 21v-22r; Benedict XI, fol. 22r; Clement V, fol. 22v; John XXII, fol. 20v-21v; and Benedict XII, fol. 22v-23v.)

fol. 23v-24r **Benedictus XI, Const. Dudum bonae memoriae** (Extrav. commun. 5.4.1)

fol. 23v-24r <**Johannes Monachus, Apparatus in c. Dudum bonae memoriae**> (Extrav. commun. 5.4.1)

(Lemma primum) *Dudum*: Hec epistola plures processus narratos extra vi libro de scisma. c. 1 (Sext. 5.3.un.) retractat (*retracta cod.*) ... (Finis) et eiusdem diuisio notat Azo C. de abolitionibus (Cod. 9.42) (**Ed.** *Corpus iur. can. glos.* [3] iv fol. 48va-49rb.)

fol. 25ra-27vb ZZ <**Tabula actorum concilii Constantiensis**>

fol. 28r-30v, 34r-35r **Concillum Basiliense** (1431-1447), <excerpta>

(Rubrica) Bulle concilii Basiliensis. (Bulla prima) (Inscriptio) Sacrosancta generalis sinodus Basiliensis in Spiritu sancto legitime congregata uniuersalem ecclesiam representans ... (Textus) Attendentes circa statum et commodum nobiscum in uinia Domini ... (fol. 34r) (Bulla ultima) (Invocatio) In nomine Domini. Amen. (Inscriptio) Nos officiales etc. Iudex ordinarius. (Textus) Notum fieri cupimus ... (Finis) et gaudere possint et ualeant ita uidelicet quoddam singuli archiepiscopi episcopi. (Five texts are present: *Attendentes circa statum* ('17 maii' 1434) (fol. 28r-v); *Plasmatoris omnium* ('6 aug.' 1435) (fol. 28v-29r); *Congruit illis* ('27 oct.' 1436) (fol. 29r-30r); *Vt pax* ('16 sept.' 1435) (fol. 30r-v); *Notum fieri cupimus* (fol. 34r-35r).)

fol. 37r-39v **Concilium Constantiense** (1414-1418), <excerpta>

(Invocatio) In nomine sancte et indiuidue Trinitatis Patris et Filii et Spiritus sancti. Amen. (Textus) Hec sancta sinodus Constantiensis generale concilium faciens ... (Finis) Non obstante quo ad omnia et /// (**Ed. Conc. oecum. decreta**, ed. P. Prodi, pp. 408-09 v. *infigendis* (Sessio 4), 417-18 (Sessio 12); Mansi 27.733, 744-45; *Conc. oecum. decreta*, ed. P. Prodi, p. 421 (Sessio 14); Mansi 27.777-80 to 779.)

fol. 40r-44v <**Alexander V, Constitutiones**>, id est: Const. *Rerum omnium* (fol. 40r-44r)

(**Ed. Mansi** 27.83-91); *Hodie sententiam* (fol. 44r-v).

fol. 49r-130v **Concilium Basiliense** (1431-1440), <Acta>

(Rubrica) Decreta concilii Basiliensis (et sunt quadraginta due se<ssio>nes al. *man.*). (Textus) Ad omnipotentis Dei gloriam fidei catholice exaltationem christianeque religionis profectum ... (Finis) quicquid in contrarium scienter uel ignoranter fuerit actemptatum (attentatum *ed.*). Datum Basilee in sessione nostra publica in ecclesia maiori Basiliensi solemniter celebrata pridie nonas augusti anno a natiuitate Domini millesimo quadringentesimo quadragesimo. Gesta concilii Basiliensis in quadraginta duabus sessionibus (Gesta ... sessionibus *add. al. man.*). (**Ed. Mansi** 29.5-11, 13-20, 21-27. 32-34, 34-36. 30-32, 36-64, 67-79, 90, 91, 92-101, 101 'Quicumque clericus' - 121, 128-47, 151-59, 161-65, 159-60, 165-82, 222-25, 225-27, 182-211. The following texts are not in the official acts: 'Quereret forte quis quare ad tantum ...' (fol. 77v-78r); Eugenius IV, Ep. *Extimaret forsā* (fol. 78r-79r) (**Ed. Mansi** 29.579-80); 'Cum iam dudam ... uniuersalis ecclesiae.' (fol. 103v-104v).)

fol. 131r-147v, 152v-197v **Johannes XXII; Benedictus XII; Clemens VI; Innocentius VI; Gregorius XI; Urbanus VI; Bonifatius IX; Innocentius VII; Gregorius XII; Alexander V; Johannes XXIII; Martinus V; Eugenius IV, Regulae cancellariae apostolicae**

(Rubrica) Regule cancellarie Iohannis pape xxii. (Praefatio) Infrascripte sunt regule restrictiue tradite de mandato ... (Textus) In primis iniunxit nobis ut supra ut simus (quod sumus *cod.*) omnes actenti ... (Finis) eum deinceps fieri contigerit concessionibus esse iudicandum. (Subscriptio) Placet domino nostro pape et ponatur in libro C. Ariminensis. Lecta fuit et publicata in cancellaria apostolica presens constitucio die xvii mensis aprilis M cccc xxxviii pontificatus domini

nostri domini Eugenii pape quarti anno octauo Morinensis (**Ed.** Ottenthal, *Regulae* 1-24 no. 46, 26-54 no. 35, 55-81 no. 86, 82-83 no. 4, 83-84 no. 6, 85 nos. 1, 3-4, 169 no. 28-170 no. 31, 171-86 no. 71 (fol. 131r-147v); 187-251 no. 93 and 251 no. 3 (fol. 153r-192r); 252 no. 103-253 no. 104, 250 no. 85-252 no. 102, 253 no. 105 (fol. 192v-193v); 254 no. 107 (fol. 194v); no. 111 (fol. 195r-v), using this MS (siglum G). There is an unprinted *regula* 'Dominus noster a principio sue creacionis ... fuerunt publicate. I. Ostiensis' on fol. 152v. Other unprinted *regulae* appear on fol. 192r-v, 193v-194r, 194v-195r, and 195v-197v.) fol. 147v-152v <**Johannes XXIII, Privilegia concessa universitati studii Parisiensis**> (Privilegium primum) (Inscriptio) Beatissime pater. (Petitio) Supplicans s. u. deuoti oratores uestri ambasiatores ... (Textus) Sanctissimus dominus noster dominus Iohannes papa xxiii vi idus iulii pontificatus sui anno primo in fauorem ac pro incremento uniuersitatis Parisiensis studii declarauit ... (fol. 150v) (Privilegium ultimum) (Rubrica) Prerogatiue concesse magistris uniuersitatis studii Parisiensis. (Textus) Primo dignetur s. u. magistris et graduatis in isto rotulo contentis ... (Finis) uel saltim a duodecim dietis a fine diocesis Parisiensis computando. (Subscriptio) Seruetur prout supra B. Datum Bononie non. augusti anno primo. Rector Bertholdus. I. Ostiensis. (**Ed.** The last document is edited from this MS in H. Denifle, *Chartularium Universitatis Parisiensis* IV (Paris 1897) 184-87 no. 1891.)

Bibl. Ottenthal, *Regulae* xxv n. 2, xxxv-vi, and xliii; Finke, *Acta Concilii Constanciensis* IV xxiii.

This composite collection is divided into three parts: fol. 1r-24r; fol. 25r-130v (written at Basel); and fol. 131r-197v (written in Italy, probably in the curia). The MS is in several cursive hands in brown ink. Some rubrics have red paragraph signs and red underlining. Other paragraph signs are also red, and capitals have red decoration. Except for fol. 49 and 60, which form the outside of a gathering, the leaves are of paper; for the watermarks, cf. Briquet nos. 3868, 11082, and 15547. Catchwords are at the lower right. Yellow protective paper has been placed over damaged upper edges of some folios. The MS has a 19th-century parchment binding. Fol. 24v, 31r-33v, 35v-36v, and 45r-48v are blank.

Vat. lat. 5002

saec. XIIex./XIIIin.

139 fols. + 8a memb. 242 (164) x 155 (113) mm, origin Northern France. Quaterniones, saec. XIIex./XIIIin.

fol. 1ra-82vb **Ivo Carnotensis (s.), Panormia**, imperfecta (Lib. 1-8.134med.) (See Vat. lat.

1358 fol. 5rb-103ra for further information.) *Variants:*

(Inscriptio *man. recent.*) Iuonis Carnotensis Panormia. (Rubrica) Incipit liber sacrorum canonum. (Textus summarii libri primi) Pars prima continet de fide, de diuersis heresibus ... (Rubrica textus) Ex Niceno concilio. De fide sanctae Trinitatis. (Finis) tamquam si aliquis dolose ostendat uiam sciens in ea esse latrones et dicat /// (The prologue is missing; each book is immediately preceded by a summary. **Bibl.** Fournier, 'Yves' 58.293-326; Mordek, *Kirchenrecht* ZZ 375ff.; S. Kuttner, 'Research on Gratian: Acta and agenda', *Proceedings Cambridge* 3-26 at 23 n. 58.)

fol. 8a^r <Incertus auctor, **Nota theologica**>

Grecum. Ad Esculapium Hermes Trismagistus. Deum quidem intelligere difficile. Eloqui autem impossibile. Est enim trishypostatos id est trium personarum inexplicabilis substantia et natura non habens apud homines similitudinem.

fol. 83ra-va <**Canones septem de decimis**>

(Rubrica) Quod laici non etiam monachi tenentur ad decimas. Paschalis II. (Textus) Decimas a populo sacerdotibus atque leuitis ... (Canon ultimus) Fiscus ab omnium uectigalium prestationibus ... (Finis) ab ecclesiastica statione decimas exigere potest. (Six of the seven items on this folio may also be found as C.16 q.1 c.47, C.16 q.1 c.55, C.12 q.1 c.7, C.16 q.1 c.46, X 3.30.2 and Dig. 39.4.9. The fifth item, 'Statuimus secundum priorem ...', is attributed to Gregory I; cf. Kuttner, 'Some Roman Manuscripts' 7-29 at 12, an another copy in Vat. lat. 1361 fol. 246ra. The orientation of the collection suggests a monastic origin.)

fol. 84ra-139vb **Isidorus Hispalensis (s.), Quaestiones in vetus testamentum**,

imperfecta

(Rubrica) In nomine sancte et indiuidue Trinitatis. Incipit libellus quem s. Isidorus Ispalensis episcopus de diuersis patrum opusculis collegit de expositione historie. (Prologus) Historia sacre legis non sine aliqua prenunciatione ... (fol. 84rb) <Tabula capitulorum> ... (Rubrica secunda) Prefatio. (Praefatio) Creatura cēlae et terrae quomodo historialiter ... (Textus) In principio fecit dues (*sic*) cāelum et terram. Principium Christus est ... (Finis) et potestas cum Patre et Spiritu sancto in secula seculorum. Amen. (**Ed.** PL 83.207-424. In *Leviticum* is incomplete, ending in the middle of ch. 17. **Bibl.** Arévalo, *Isidoriana* ZZ PL 81.809ff.)

The MS is written in several late Carolingian minuscule bookhands in brown ink. The same group of scribes copied the works of Ivo and Isidore; a similar but distinctive hand appears on fol. 83r-v. The MS

may be the product of a monastic scriptorium. In the *Panormia*, large decorated initials in blue and red open each book. The capitals which open each section of the *Quaestiones* are red or blue lightly decorated in the contrasting color; sometimes green is used. Minor capitals are red, blue, or in ink, occasionally with light decoration or a contrasting wash. Rubrics are red. Fol. 1r-2r and 3v-5r are now largely illegible. Fol. 8a is a leaf tipped in, probably during a rebinding. The note it contains is in a 15th-century cursive hand. Another contemporary hand added 'fuit emptus Cesar[eae] anno domini M° iiii° quadagesimo vii° liber iste.' The same hand added running titles; marginal notes are mostly in the two 15th-century hands. Although the quire structure is mixed, quaternions predominate. Quires are marked with roman numerals centered in the lower margin of the first leaf of each quire; they were probably added during rebinding. The MS has a 19th-century leather and parchment binding which incorporates parts of a 17th-century predecessor. Fol. 8a^v and 56rb-vb are blank.

Vat. lat. 5003

saec. XIImed.

Prov. Antonio Agustín, abp. of Tarragona 1577-86; Miguel Tomás Taxaquet, bp. of Lerida 1577-78.

<I> +71 fols. memb. 170 (112) x 120 (73) mm. Quaterniones, saec. XIImed.

fol. 1ra-71r <**Poenitentiale romanum**>

<Tabula titulorum> ... (fol. 2r) (Rubrica tituli) De homicidio. (Rubrica) De interfeutoribus sacerdotum. Ex concilio magotiensi cap. xxiiii. (Textus) Qui presbiterum occiderit xii annorum ei penitentia ... (Finis) uel episcopi in necessitate posset accedere. <alia manu> Finis. (**Ed.** *Canones poenitentiales*, ed. A. Agustín, in *Opera*, 8 vols. (Lucae 1765-1774) III 257-297. **Bibl.** Ibid. 253; H.J. Schmitz, *Die Bussbücher und die Bussdisziplin der Kirche* (Mainz 1883; repr. Graz 1958) xii, 798; H. Wasserschleben, *Die Bussordnungen der abendländischen Kirche* (Halle 1851; repr. Graz 1958) 95-96; Kuttner, 'Some Roman Manuscripts' 7(-8) n. 4, 20-21.)

fol. 71v <**Rituale**, excerptum>

(Rubrica) Oratio ad fratres suscipiendos in orationibus nostris. (Textus) Suscepimus Deus misericordiam tuam in medio templi tui ... (Finis) Domine famulum tuum, ut in uita presenti ab ///

Bibl. Kuttner, 'Some Roman Manuscripts' 7(-8) n. 4, 21, nothing that this MS is no. 349 in the catalogue of Agustín's library.

The MS is written in long lines, in a late Carolingian minuscule, in brown ink. Each book of the *Poenitentiale* opens with a large red initial, sometimes with simple penwork decoration; other initials and rubrics are red. A table of contents precedes each book; the first two are each written in double columns. Fol. 2r-32r have contemporary running titles. Annotations in several early modern hands refer to other canonical collections (cf. Kuttner). The last canon and the final piece are in different hands, the first contemporary with the hand of the main text. <I>r is a title page, of 16th-century origin: 'Poenitentiale Romanum. Tit. I. De homicidio. Index capitulorum'. A folio has been cut away at the end of the last quire. Catchwords are centered along the lower edge of the folio; a few have been cut away. The old binding is parchment reinforced with leather strips. <I>v is blank.

Vat. lat. 5058

saec. XVI.1

Prov. Giovanni de Salviati, card. 1517-1553.

108 fols.-45 + 46bis chart. 215 (139) x 139 (80) mm, origin Italy. Quiniones, saec. XVI.1.

fol. 1r-108v <Incertus auctor, **Compendium iuris canonici**>, imperfectum (X 1. 1-5.3)
(Rubrica) Rubrica. De summa Trinitate et fide catholica. (Textus) <Q>uoniam ut
ait philosophus primo posteriorum et V^{to}. metaphysice 'Nobilitas scientiae ex
nobilitate subiecti consideratur.' ... (Finis) Contrahitur autem simonia tribus modis
ut puta.

The MS is in a cursive bookhand in black ink. Blank spaces have been left for capitals. Rubrics are red, as are paragraph signs to fol. 13v. Catchwords are vertical on the inner margin line. On fol. 1r appears the ex libris: 'Io. car. de Saluiatis'. For the watermarks, cf. Briquet no. 3668. The MS has a late 18th-century leather binding.

Vat. lat. 5063

saec. XV

68 fols. chart. 218 (150) x 142 (100) mm, origin Italy. Quiniones, saec. XV.

fol. 1r-67r <**Antonius de Florentia O.P. (s.), Confessionale**> *Omnis mortalium cura*
(Invocatio) Ihesus. (Praefatio) Omnis mortalium cura quam multiplicium
studiorum labor exerzet ... Dize sancto Severino nel libro che fa di filoxoficha
consolazione (Boethius, De Cons. Phil. III 176) ... (fol. 1v-2r) (Textus) Quanto ala
prima dico che se uole schiuare el pechatto ... (Finis) ogni graeza per far quello
che se conuiene. (Colophon) Finito libro referamus gratiam Christo. Amen. (**Ed.**
Somma dello archivescovo Antonino 'Omnis mortalium cura' (Firenze 1490).
Bibl. Kaeppli, *Scriptores* I 98 no. 257.)

fol. 67r-v **Hymnus** '*Christe qui lux est et dies*'

fol. 67v **Orationes duae**

(Rubrica) Oratio. (Textus) Visita quaesumus Domine habitationem istam ...
(Oratio secunda) (Rubrica) Oratio dicenda de mane post ortum diei. (Textus)
Domine Deus operis que nos ad principium huius dice ... (Finis) ut dirigantur
cogitationes opera.

fol. 67v **Psalmus** <**69**>

fol. 67v-68r **Orationes decem**

(Rubrica) Oratio. (Textus) Deus cui proprium est miserere ... (Oratio ultima)
(Rubrica) Oratio. (Textus) Omnipotens sempiternus Deus dirige actus nostros ...
(Finis) mereamur bonis operibus habundare. Per eundem Christum Dominum
nostrum. Amen. Deo gratias. Amen. Amen.

The MS is in black ink, written by two scribes; the first wrote a rough cursive bookhand (fol. 1r-27v), the second a fine humanistic bookhand (fol. 28r-68r). Rubrics are red. Capitals are red or blue-green.

Catchwords are framed and centered. The watermarks are caught in the binding and illegible. The MS has an 18th-century leather binding. Fol. 68v is blank.

Vat. lat. 5066

saec. XIII

90 fols. memb. 118 (76) x 85 (58) mm. Quiniones, saec. XIII.

fol. 1r-46r **Johannes de Deo, Libellus dispensationum**, recensio II

(Rubrica) Libellus dispensacionum magistri Iohannis de Deo in quo xiiii capitula ponuntur. (Praefatio) Et primo de diuina dispensacione (ne *sup. lin. al. man.*) cum humano genere ... (fol. 2r) super operis imperfectione ueniam postulet. (Rubrica textus) Quid est dispensatio. (Textus) Et nota quod dispensacio est iuris communis relaxacio ... (fol. 45v) (Finis) causa breuitatis instruo partes qualiter se habeant in sentiis proferendis. (Colophon) Explicit summa composita super dispensacione omnium prelatorum ... (fol. 46r) sub anno Domini M.cc.xliii. Indictione prima. v. kalendas septembris. Tamen super operis imperfectione ueniam postulo a lectoribus uniuersis. (**Bibl.** Sousa Costa. *João de Deus* at 97-105; S. Kuttner, 'Pope Lucius III and the Bigamous Archbishop of Palermo', in *Medieval Studies presented to Aubrey Gwynn, S.J.*, ed. J.A. Watt et al. (Dublin 1961) 409-53, repr. in S. Kuttner, *The History of Ideas and Doctrines of Canon Law in the Middle Ages* (London 1980) VII with *Retractiones* 11-14, at 429-31, with a tentative edition of fol. 2v-5v at 449-51 using this MS (siglum V); Sarti-Fattorini, *De professoribus* I 431, excerpting much of the colophon.)

fol. 46r-52v <Incertus auctor, **Summula de sponsalibus**>

(Rubrica) Quibus modis sponsalia contrahuntur, scilicet per uerba de presenti. (Textus) Pluribus modis (fol. 46v) sponsalia contrahuntur ... (Finis) xxii. q. v. Iuramenti (C.22 q.5 c.12) ubi dicitur quod inter iuramentum et simplicem loquelam non est differentia. (Colophon) Explicit summa super dis. (*sic*). (**Bibl.** Sousa Costa, *João de Deus* 147-8 identifies this tract as that of Johannes Andreae, but it does not correspond to his text in TUI 9 fol. 2ra-3vb.)

fol. 52v <**Versus**>

(Textus) Si quis forte cupit in iure peritus haberi ... (Finis) hec duo iunta simul fructificare solent. (**Ed.** of a similar verse from London B.M. Addit. 24659 in S. Kuttner, 'Dat Galienus opes et Sanctio Justiniana', *Linguistic and Literary Studies in Honor of Helmut A. Hatzfeld*, ed. A.S. Crisafulli (Washington D.C. 1964) 237-46, repr. in S. Kuttner, *The History of Ideas and Doctrines of Canon Law in the Middle Ages* (London 1980) X with *Retractiones* 18-19, at 243, and mentioning the verse in this MS at 245.)

fol. 53r-62v <Incertus auctor>, **Flores Decretorum** <idest Tabula summaria Decreti>

(Rubrica) Incipiunt flores decretorum. Di. 1. (Textus) De iure scripto et non scripto. Et quid cui preponatur ... (Finis) et quadragesime obseruatione et iocunditate, et aliis capitulis. (Colophon) Expliciunt flores siue breuiarium decretorum. (**Bibl.** Rambaud-Buhot, *Abrégés du Décret* 398; Kuttner,

Repertorium 26, 46, 281.)

fol. 63r-70v <Incertus auctor>, **Flores Decretorum**

(Rubrica) Flores decretorum. (Textus) Hic quia ius lego canonicum me dum rota cursu ... (Finis) de sacramento baptismi - liquor. De sacramento ieiunii esca. (Colophon) Expliciunt flores decretorum.

fol. 71r-82v **Bonaguida de Aretio, Summa introductoria super officio advocacionis in foro ecclesiae**, <excerptum> (I 1-3) (See Vat. lat. 2661 fol. 1ra-10va for further information.) *Variants*:

<Rubrica praefationis et praefatio desunt.> (Rubrica textus) secundum Bonaguidam *add.* (Textus) ZZ aliqua pro aliqua (Finis) quia non est sapiens qui relatis omnibus aurem prebet. (Colophon) Expliciunt mores, exordia, et cautele aduocatorum secundum Magistrum Bonaguidam (*sic*) iuris canonici profexorem. (Ed. A. Wunderlich, *Anecdota quae processum civilem spectant* (Göttingen 1841) 133-345 at 136-66 for this excerpt.)

fol. 83r-89r **Egidius <de Fuscarariis, Ordo iudiciarius>**, excerptum> (cc. 189-211) (See Vat. lat. 2661 fol. 64va-78vb for further information.) *Variants*:

(Rubrica) De moribus siue exordiis aduocatorum secundum Egidium. (Textus) Ea solummodo que ab antiquis maioribus. (Colophon) Expliciunt exordia Egidii doctoris decretorum. (Ed. and Bibl. Wahrmund, *Quellen zur Geschichte des römisch-kanonischen Processes* III.1 258-70, with a brief description of this MS at xix.)

fol. 89v-90v <**Formulae tres indulgentiarum**>

(Rubrica *marg. sup., al. man.*) Indulgencia in festo dedicationis alicuius ecclesie. (Inscriptio) <V>niuersis Christi fidei libus presentes litteras inspecturis salutem. (Textus) Si populus Israeliticus qui sub legis ... (Finis) de misericordia Ihesu [Christi] et apostolorum meritis indulgemus. Data. (Bibl. The first formula 'Si populus Israeliticus', granting forty days' indulgence for visiting a newly dedicated church, is similar in phrasing to an indulgence in *Les Registres d'Innocent IV*, ed. F. Berger, 4 vols. in 8 (BEFAR; Paris 1884-1920) I.1 p. 26, no. 132. The second, 'Si iuste diuine scripture', resembles an example in the same registers, II.2 p. 166 no. 4952. The third formula, 'Particeps mercedis efficitur' (forty days' indulgence for bridge-building), although likely to be of Innocent IV ZZ as well (Honorius III was the last predecessor named) has not been located in Innocent IV's register. Similar indulgences, however, appear in the *Regestum Clementis papae V*, ed. Monachi ordinis S. Benedicti, 9 vols. in 8 (Rome 1885-88) I 167 no. 910 and IX 96 no. 10300.)

The MS is written in black ink in a single gothic hand, except the indulgences at the end, which are in a different though similar script. At least part of the codex is a palimpsest: erased gothic script can be seen written crosswise in several places (e.g. fol. 46r). An historiated initial 'p' begins the libellus, presumably taking the initial from the 'p' of 'Et primo' opening the preface; the rubric was emended by at least one later hand. Capitals are red with blue decorations until fol. 30. Thereafter capitals are red, rubrics are red throughout. Catchwords, in decorative red and blue frames, are at the lower right. The binding is of leather, from the late 18th-century.

Vat. lat. 5067**saec. XV (1444)**

219 fols, memb. 131 (75) x 86 (57) mm, origin Italy. Quiniones, saec. XV (1444).

fol. 1r-5v <Incertus auctor>, **Compendium de doctrina christiana**

(Rubrica) Incipit compendium de doctrina christiana. (Textus) Quod debet christianus de primo scire Pater noster ... (Finis) gustus tactus odoratus.

fol. 5v-177r **Antoninus de Florentia O.P. (s.), Confessionale** *Defecerunt* (Recensio 1)

(See Vat. lat. 1237 fol. 70vb-143va for further information.) *Variants:*

(fol. 5v-9v) <Tabula confessionalis> (fol. 9v) (Rubrica) Incipit tractatus de instructione confessorum reuerendi patris fratris [Antonii de Florentia] ordinis predicatorum (Praefatio) psalmista *pro* psalmus (Textus) igitur *add. post* Quantum; ut *pro* scilicet (Finis) uel alia signa exprimentia consensum prebet. (Colophon) Explicit interrogatorium confessionale fratris [Antonini de Florentia] ordinis predicatorum etc. 1444. (**Ed.** Antoninus de Florentia, *Confessionale* (Strassburg 1496). **Bibl.** Kaeppli, *Scriptores* I 95 no. 256a. This copy does not contain the additions by Nicolas de Ausimo which appear in Vat. lat. 1237.)

fol. 177r-191r **Antoninus de Florentia O.P. (s.), <Tractatus de ornatu mulierum>**

(Rubrica) Determinacio reuerendi patris fratris [Antonini de Florentia] ordinis predicatorum super multiplices uanitates uestium et ornamentorum. (fol. 177v) (Textus) Queritur primo utrum ornatus mulierum secundum morem patrie qui uidetur uanus ... (Finis) pauciores possunt superfluitates et uanitates faciant et uendant etc. (**Bibl.** Kaeppli, *Scriptores*, I 87-88 no. 249; S. Orlandi, *Bibliografia Antoniniana* (Città del Vaticano 1961/62) 324.)

fol. 191r-217r , <Incertus auctor>, **Tractatus de excommunicationibus**

(Rubrica) Incipit tractatus excommunicationum. (Textus) Cum apostolica doctrina cunctos fideles admoneat dicens ephe. 5° (v. 15) 'Videte quomodo caute ambuletis ...', ... (Finis) uel in diuinis aut in contemptum ecclesie.

fol. 218r-219r <Incertus auctor, **Casus episcopales**>

(Rubrica) Isti sunt casus secundum opinionem diuersorum doctorum qui de iure reseruantur dyocesanis. (Textus) Primus est peccatum propter quod esset indicenda solempnis penitentia ... (Finis) item symonia in quocumque genere.

The MS is written in a single bookhand in brown ink. Rubrics are red. Capitals are red or blue with decoration in the contrasting color. Those at fol. 10r and 177v have been gilded. Catchwords are framed and centered. An enumeration of leaves was made on fol. 219v. The MS has an 18th-century leather binding. Fol. 217v is blank.

Vat. lat. 5068**saec. XV.2**

275 fols. + <I> memb. 129 (96) x 96 (61) mm, origin Italy. Quiniones, saec. XV.2.

fol. 1r-63r <Incertus auctor, **Interrogatorium**>

(Rubrica) Interrogationes pulcre sed ualde utiliores que debent haberi circa quascumque personas que ad confessionem uenire continue uolunt. Videlicet. (Textus) Primo igitur ut confessor confiteri uolentem ad salutiferam preparet confessionem ... (Finis) auctoritatem circa ceteros extra de procura<toribus>. Qui ad agendum (Sext. 1.19.4) Hec ibi. Deo gratias et laus.

fol. 63r <Nota de fratribus ingredientibus monasteria monialium ex declaratione Nicolai> (ital.)

fol. 63v-70r **Johannes de Capistrano, O.F.M. (s.), <Responsa>**

(Rubrica) Infrascripta sunt quedam dubia que fuerunt declarata per reuerendum patrem fratrem Iohannem de Capistrano. (Textus) Vtrum guardiani uel alii fratres de licentia guardianorum possint absolvere ... (Finis) ut non soluatur nisi quod est iustum et licitum.

fol. 70r-71r <**Pseudo->Bernardinus Senensis, <Responsa>** imperfecta

(Rubrica) Hec sunt quedam interrogationes quas uerbotenius feci a beato Bernardino. Cronica inueterate sapientie et sanctitatis norma. (Textus) Primo quoad fratres. An frater teneatur audire missam cotidie ... (Finis) nisi esset pillata uel tignosa uel similia. (This work does not appear in Bernardino's *Opera omnia*; cf. D. Pacetti, *De Sancti Bernardini operibus* (Florentiae 1947) 97. Part of the text is evidently missing; the catchword on fol. 70v does not match the first word of fol. 71r.)

fol. 71r-72r <Incertus auctor, **De aetatibus in iure**>

(Textus) Nota quod anni discretionis quoad episcopum instituendum sunt 30 anni completi ... (Finis) tunc possunt peccare mortaliter etc.

fol. 72r <Recepta pharmaceutica>

fol. 72v-131r **Antoninus de Florentia O.P. (s.), <Confessionale Defecerunt, Interrogatorium>**

(Rubrica) Incipit confessio fratris Antonii (*sic*) de Florentia ordinis predicatorum. Primum preceptum. (Textus) Postquam ille qui uult confiteri dixit ex se ea que uoluit ... (Finis) sic potest fieri absolutio post supradicta indulgentia. (*sic*) (**Ed.** Antoninus, *Confessionale* (Strassburg 1496) fol. 41va-98rb. **Bibl.** Kaeppli, *Scriptores* I 95 no. 256C; cf. Vat. lat. 1237 fol. 70vb-143va.)

fol. 135r <Nota de conscientia>

fol. 135ra <Notae de incarnatione Domini>

(The first note is labelled as from a homily of Bede.)

fol. 135rb **Jacobus de Primadiciis O.F.M., <Epistola ad fratrem Martinum de Parma O.F.M.>**

(Rubrica) Fratri Martino de Parma guardiano loci Sancti Mamme Mantue extra Rauennam frater Jacobus Primaditius ... (Inscriptio) Venerabili (*sic*) pater in Christo, tuus Jacobus ... (Textus) Sapiati per questa como ... (Finis) per questa cas/// possono absoluere. (Colophon) Valete. ex /// die xii martii. Vicario episcopi Rauenne. Credo quod Venetiani teneant terram Rauenne <cum> licentia pape. (Ed. and Bibl. C. Piana, 'Per la biografia del beato Marco da Bologna († 1479) e per la storia del suo convento di S. Paulo in Monte nel '400', *Atti e memorie della deputazione di storia patria per le provincie di Romagna* n.s. 22 (1971) 85-265 at 208-09 n. 60 prints part of the text, from this MS. Cf. Orlandi, *Bibliografia Antoniniana* 228. This letter concerns a papal privilege to the friars for the hearing of confessions of Venetian troops in Ravenna.)

fol. 137r-138v <Incertus auctor, **Casus papales**>

(Rubrica) Iste sunt excommunicationes papales a quibus ipse solus absoluit. (Textus) Si quis iniecit manum uiolentam in clericum uel religiosum ... (Finis) uide processum criminalem curie.

fol. 138v-141v <Incertus auctor, **Casus episcopales**>

(Rubrica) Iste sunt excommunicationes episcopales ille scilicet a quibus ipse absoluit. Incipiunt excommunicationes episcopales. (Textus) De hiis qui exigunt pedagium uel guidagium per se uel per alium ... (Finis) habentes errores sapientes heresim modo esset papalis.

fol. 141v <Recepta pharmaceutica>

fol. 141v-142r <Orationes in ordinatione clericorum>

(Textus) Ex ordinario id est pastoralis siue libro in quo conscriptus ... (Finis) amabiliter seruientes gratos efficere dignare per dominum nostrum Iesum et filium tuum qui tecum uiuit et regnat in uniuersa secula seculorum d[icitur] per omnes amen. (There is a break in the text at the end of fol. 141v.)

fol. 145r-262v **Bartholomaeus de Chaimis O.F.M., Confessionale**

(Rubrica) Incipit confessionale siue interrogatorium per uenerabilem fratrem Bartolomeum de Caymis de Mediolano ordinis minorum compositum. Et distinguitur in quattuor partes. (Praefatio) 'Cum ars artium sit regimen animarum' Extra de etate et qualitate Cum sit (X 1.14.14) ... (fol. 146r) (Rubrica textus) Incipit prima pars huius opusculi. De potestate confessoris. (Textus) Circa primum notandum quod non sacerdos etsi possit audire peccata ... (Finis) pro ultimo articulo mortis tue uti eadem littera domini nostri pape continetur. In nomine Patris et Filii et Spiritus sancti. Amen. (Ed. Bartholomaeus de Chaimis, *Confessionale* (s.l. 1474). Bibl. Schulte, *Geschichte* II 453-54, Michaud-Quantin, *Sommes de casuistique* 76.)

fol. 262v-265v <Incertus auctor, **Compendium excommunicationum**>

(Rubrica) Incipiunt excommunicationes sub compendio breuissime redacte. Et primo ponuntur papales. (Textus) Prima est de grauiter percutientibus clericos uel personas ecclesiasticas ... (Finis) pro aliquo beneficio uide plenius in textu.

fol. 265v-266v <Incertus auctor>, **Forma instrumenti procurae**

(Rubrica) Incipit forma instrumenti procure scilicet fatiendi procuratorem fratrum minorum de obseruantia ut hic infra continetur (Invocatio) In nomine Domini nostri Iesu Christi. Amen. (Textus) Anno a natiuitate eiusdem M^o etc. indictione etc. ... (Finis) plenam et liberam concessit auctoritate apostolica facultatem. (The author mentions bulls of Martin IV and Martin V.)

fol. 266v-275v **Nicolaus de Ausimo O.F.M., Quadriga spiritualis**, <excerptum>

(Rubrica) Incipiunt regule per quas cognoscuntur peccata mortalia composite per uenerabilem patrem fratrem Nicolaum de Ausimo in libro in libro (*sic*) intitulato quadriga spiritualis. (Textus) Quantum ad regulas peccatorum est sciendum quod aliquando homo mortaliter peccat ... (Finis) sicut Melchisedech dicitur sine patre quia non legitur de eius patre. (**Bibl.** Schulte, *Geschichte* II 435; Michaud-Quantin, *Sommes de casuistique* 62-66.)

Bibl. S. Orlandi, *Bibliografia Antoniniana* (Città del Vaticano 1961) 227-28.

The MS is written in black ink in three gothic cursive bookhands: fol. 1r-83v, 117r-131r, fol. 84r-116v, and fol. 135r, 137r-142r, 145r-275v. Rubrics, capitals, and paragraph signs are red. The first letter after a paragraph sign is struck through with yellow. At the bottom of fol. 135r is an erased letter, dated May 1454, mentioning frater Gabriel de Bononia (cf. Piana, art. cit. 215 n. 6.). Catchwords are centered to fol. 80v; from fol. 154v they are vertical against the binding. The quires are marked in a combination of letters and numbers in the lower recto of each bifolium, many of the markings being cut away. The MS has an 18th-century leather binding. Fol. 131v-134v, 135v-136v have been erased; fol. 142v-144v and <+I>r-v are blank.

Vat. lat. 5081

saec. XV.1

Scr. Egidius Serliparis (?).

304 fols. + <II> memb. 190 (131) x 124 (95) mm, origin Italy. Quaterniones, saec. XV.1.

ZZ fol. 1ra-5va <Tabula Summae Bartholomaei de Sancto Concordio>

fol. 1ra-304ra <**Bartholomaeus de Sancto Concordio O.P., Summa de casibus conscientiae**> (See Vat. lat. 2319 for further information.) *Variants:*

(Finis) tunc est inuidia supra Inuidia § 1. (Colophon) Et sic est finis. Deo gracias. Egi<dius> Serliparis (?). (**Bibl.** Kaeppli, *Scriptores* I 164 no. 436.)

<+I>va-<+II>r <Incertus auctor, **Tabula abbreviationum in Summa Bartholomaei de Sancto Concordio**> (See Vat. lat. 2318 fol. 192vb-193ra for further information.) *Variants:*

(Rubrica) abbreviaturis *pro* breuiaturis ... ponantur. (Textus) Ala. [idest Albertus] idest Alanus. Al. idest Albertus Theutonicus ... (Finis) curet *pro* cures; probationes *pro* probationem ponuntur Benedictus qui uenit.

The MS is in brown ink in the neat gothic bookhand of Egidius Serliparis(?). The *Summa* opens with a large illuminated initial on a square field with gold disks in the margins; similar smaller initials, without the gold disks, begin the sections of the *Summa*. Capitals are red with violet or blue with red decoration. Paragraph signs are red or blue. Catchwords are centered. The MS has a 19th-century leather binding incorporating the 18th-century one. Fol. 6r-v, 304v-<+I>r, and <+II>v are blank.

Vat. lat. 5092

saec. XIV-XV

Prov. Ferrara, priory of San Domenico O.P., Johannes de Raffanelis; Thomas de Ferraria O.P.; Antoninus de Alexandria. **Scr.** Thomas de Ferraria O.P
<II> + 36 fols. + <VIII> memb. 240 (167) x 177 (122) mm, origin Italy (Ferrara-Modena). Quaterniones, saec. XIV-XV.

fol. 1ra-34ra <Incertus auctor>, **De officio inquisitionis**

(Praefatio) Vt offitium inquisitionis magis habeatur in habitu, sciendum quod primo tractabo de offitibus huius offitii ... (Textus) Inquisitionis autem officium principaliter iniungitur fratribus a summo pontifice ... (Finis) et substituendis eis in expensis providere curetis ad inquisitionis huiusmodi (huius cod.) officium oportunis. Datum etc. Explicit. Amen. (**Ed.** *Il 'De Officio Inquisitionis'. La procedura inquisitoriale a Bologna e a Ferrara nel Trecento*, ed. L. Paolini (Bologna 1976), using this MS (siglum B). **Bibl.** Dondaine, 'Manuel de l'Inquisiteur' 117-21.)

fol. 35r-36r <**Forma sententiae inquisitionis**>

(Rubrica) Forma sententie (This form, containing the name of Thomas de Ferraria O.P., specifically mentions proceedings at Modena on 19 iun. 1474.)

fol. 36r-v <Incertus auctor, **Quaestiones de inquisitione**>

(Textus) Questio ordinarii post iniunctum officium inquisitoribus possint de iure in eadem procedere ... (Finis) et ita notant ibi doctores etc.

fol. 36v <**Johannes de Raffanelis, Nota de testamento Gerardi de Confaloneriis**>

(Ferrara, 27 oct. 1482)

(**Bibl.** Dondaine, 'Manuel de l'Inquisiteur' 168-69.)

<+I>ra-<+IV>rb <Incertus auctor, **Repertorium alphabeticum privilegiorum Inquisitionis**>

(Rubrica) De hereticorum inquisitione. Absolui. (Textus) Quod excommunicati per inquisitores non possunt absolui nisi per eos. *Alexander Ad capiendas uulpeculas* ... (Rubrica ultima) Vsura. (Finis) Quod inquisitores non debent iudicialiter audire de usuris. *Alexander*. (Colophon) Explicit tenor priuilegiorum

ab apostolica sede inquisitoribus concessorum. Amen.

<+IV>v <**Forma absolutionis ab inquisitore impartitae**>

(This form contains the names of frater Andreas O.P. and of a Johannes.)

<+IV>v <**Forma institutionis vicarii**>

<+V>r-<+VI>v <Incertus auctor, **Tabula errorum Albogensium, Bagnolensium et Concorrentium**>

(Praefatio) Hec capitula breuiter scripta continent fere omnes errores trium sectarum ... (Textus) Quod duo sunt principia unum penitus bonum, alterum penitus malum, A et B ... (Finis) Quod non debent radi capita, A B et C. Explicit. Deo gratias. (Ed. C. Douais, *La somme des autorités à l'usage des prédicateurs méridionaux au XIII^e siècle* V (Paris 1896) 130-33.)

Bibl. Dondaine, 'Manuel de l'Inquisiteur' 167-70; *Il 'De Officio Inquisitionis'. La procedura inquisitoriale a Bologna e a Ferrara nel Trecento*, ed. L. Paolini (Bologna 1976), with a plate of fol. 1r as the first frontespiece; T. Kaeppli, 'Antiche biblioteche Domenicane in Italia', AFP 36 (1966) 5-80 at 16, listing this MS as belonging to the priory of S. Domenico, Ferrara and printing the ex libris at <II>r.

The main body of the MS falls into two portions: fol. 1ra-34ra; and <+I>ra-<+IV>rb, <+V>r-<+VI>v. The first part is written in *littera bononiensis* in black ink; the second is in a gothic bookhand in brown ink. Fol. 1r opens with an historiated initial containing the figure of a Dominican saint. The initial is on a square field with a half border in an acanthus design extending from it. The border design is highlighted with gold disks. The capitals in the first part are red with violet or blue with red elaborate penwork decoration. Paragraph signs are red or blue. Catchwords are framed. They are centered at fol. 8 and 16, just right of center at fol. 24 and 32. The second part has red paragraph signs and a red initial opening the table at <V>r. This part is composed of a binion and a bifolium. Thomas de Ferrara O.P. added the texts at fol. 35r-36v, except the note on the will of Gerardus de Confaloneriis, which may have been written by Johannes de Raffanelis. These are written in personal cursives. The texts on <+IV>v are in different cursive hands. Thomas de Ferrara noted at <I>v the death of Marcial Auribelli at Avignon in 1473; and, at <II>r, he wrote, 'Iste liber est officii inquisitionis Ferrariensis quem ego magister Thomas de Ferrara inquisitor habui a predecessore meo magistro Antonino de Alexandria 1462'. Thomas also wrote, at <+VII>r, 'Benedicta 1466 21 /// Mutine' and, at <+VII>v, a note on the capture of Guizardus de Villa Braide of Saxoli at Bologna in ZZ 1468. This latter note ends with a reference to the death of Francesco Sforza, duke of Milan. At fol. 34ra is written, 'O<mnes> litere florice huius libri sunt xxxii', and, at the bottom of <+VI>v, 'Piro de Pergamo, Pipino de Brisia, Anselmus de Pergamo'. At <+VII>v is another ex-libris, 'Iste liber est officii inquisitionis Ferrarie'. The MS has a late 18th-century leather binding. <I>r, <II>v, fol. 34v, and <+VIII>r-v are blank.

Vat. lat. 5104

saec. XV.2

antea 5040.

<V> + 99 fols. chart. 216 (122) x 141 (88) mm, origin Italy. Seniones, saec. XV.2.

<I>v-<II>r **Bernardus <Claraevallensis, O.Cist. (s.), Epistolae, excerpta quatuor de**

praelatione>

(Rubrica *marg.*) De prelatione Bernardi in quadam epistola. (Textus) Pascere tripliciter dicitur: exemplo conuersionis ... (Finis) quod licet statim etiam expedit. (**Ed.** The third of these four excerpts paraphrases PL 182.818-19.)

fol. 1r-99r <Incertus auctor, **Summa confessorum**>

(Rubrica) Absolutio. (Textus) <I>llos debemus nos per pastorem auctoritatem absoluere ... (Finis) (fol. 96v) usurarum crimine inuolutur. Extra de usuris c. Super eo Alexander 3^{us} libro 5^o titulo 19^o (X 5.19.4.) (Colophon) Iesus Christus et laus Deo semper finis. (fol. 97r-99r) <Tabula summae confessorum>. (This work is composed of excerpts from the *Corpus Iuris Canonici*. The sources are underlined.)

fol. 99r-v **Damasus** <I (S.), **Carmen VII**>

(Rubrica) Damasus papa in prohemium epistolarum Pauli de eius mirificis preconiis. (Textus) Iam dudum Saulus procerum precepta secutus ... (Finis) sancte (Paule *ed.*) tuos Damasus uoluit monstrare triumphos. (**Ed.** PL 13.379-81.)

The MS is in two humanist bookhands in reddish-brown ink. One wrote the letter on <I>v- <II>r, the other the remainder. Rubrics and paragraph signs are red. Space has been left for capitals, and some rubrics (e.g. fol. 3r) were added in the margins later. Catchwords are centered, sometimes in decorative frames. For the watermarks, cf. Briquet no. 4772. On <II>r, the old shelfmark '5040' has been cancelled. <I>r, which also has the old shelfmark, was once glued to the cover. The MS has an 18th-century leather binding. <II>v- <V>v are blank.

Vat. lat. 5304

saec. XVI

123 fols. chart. 313 (242) x 204 (135) mm, origin Italy. Bifolia, saec. XVI.

fol. 1r-123v **Antonius de Rosellis, Repetitio c. Cum contingat** (X 2.24.28)

(Praefatio) Antonius Rosellus Francisco Contareno. Sepenumero cogitanti mihi Francisce Contarene patriciis ex illustribus Venetis ... (fol. 1v) (Rubrica) Repetitio c. Cum contingat de iureiurando domini Antonii de Rosellis. ZZ (Textus) *Cum contingat*: Non auditur mulier contra alienationem rei dotalis cui sponte consentit ... (Finis) sanctissimi domini nostri Nicolai pape, si in aliquo contra supra per me dicta sentiret.

Bibl. This *repetitio* is missing from the list of works compiled in A. Belloni, *Professori giuristi a Padova nel secolo XV: profili bio-bibliografici e cattedre* (Ius commune Sonderhefte 28; Frankfurt a.M. 1986) 145-49. vgl. Walther in Baumgärtner, Consilia 214 A 18.

The text is in a cursive hand in brown ink, with no colored decoration. Gatherings, bifolia in groups of 9, are signed with large letters at the beginning. For the watermarks, cf. Briquet no. 1487. The MS has a late 18th-century leather binding.

Prov. Fulvio Orsini(?), card. 1565-81; Theodore à Malsen of Utrecht; Verona, monastery of San Zeno.

<I> + 146 fols. memb. 206 (150) x 141 (99) mm, origin Italy (Verona). Quaterniones, saec. IX-X.

fol. 1r-142v <Incertus auctor, **Edicta regum langobardorum cum interpolationibus**> (Invocatio) In nomine domini et saluatoris nostri Iesu Christi. (Rubrica) Incipit edictum quod renouauit dominus Rothari uir excellentissimus rex gentis langobardorum cum primatis iudicibus suis. Incipit argumentum. (Praefatio) Ego in Dei nomine Rothari uir excellentissimus rex gentis langobardorum septimus anno Deo propitante regni mei octauo etatique XXXVIII ... Mammo filius Vuifthor. Explicit (*sic*) nomina regum. Incipit (*sic*) capitula ad inquirendum. (fol. 2r) <Tabula capitulorum> ... (fol. 12r) (Textus) Si quis homo contra animam regis considerauerit (Finis) possessionem iuxta lege (*sic*) et si (et si *al. man.*, et *sup. lin.*) non potueret (*sic*) deseruiat et in antea. (**Ed.** MGH LL in 4^o 4, ed. F. Bluhme, pp. 1-204, using this MS (siglum 5); with a description at xxiv-xxv and a facsimile of a few lines of fol. 12r at xxiii. **Bibl.** G. Moschetti, *Primordi esegetici sulla legislazione Longobarda nel sec. IX a Verona secondo il cod. Vat. lat. 5359* (Centro italiano di Studi sull'Alto Medioevo 1; Spoleto 1954), with an in-depth study of this text, concentrating on the form, content, and meaning of the interpolations. A folio has been lost between fol. 48 and 49, another between 115 and 116.)

fol. 142v-145v **Hlotharius <I, Capitulare Papiense>** (832)
(Rubrica) De ecclesiis emendandis. Incipit (*sic*) capitula que domnus Hlotharius rex ... (Textus) De ecclesiis emendandis uolumus ut ita obseruetur ... (Finis) sicut in capitulare (*sic*) predicti aui nostri Karoli continetur. (**Ed.** MGH Capit. 2, ed. A. Boretius and V. Krause, pp. 60-63, using this MS (siglum 3), but mistakenly asserting that the MS lacks cc. 11, 12, and 14. **Bibl.** A. Boretius, *Die Capitularien im Langobardenreich* (Halle 1864) 45-46.)

fol. 145v-146r **Hlotharius <I>, Capitulare Olonnense** (825), cc. 10-14
(Rubrica) Capitula data Holona (*sic*) palatio placit (*sic*) generale. Anno Impe/// (fol. 146r) (Textus c. 10) Videtur nobis ut quicumque liber ... (Finis) ut sicut lex habet. (**Ed.** MGH Capit. 1, ed. A. Boretius, p. 331, mentioning this MS at p. 329, although erroneously listing its contents as cc. 10, 11, 2, and 3. **Bibl.** Boretius, *Die Capitularien*, loc. cit. Two folios have presumably been lost between fol. 145 and 146.)

fol. 1r-50v, 53r-118v, 139r-v <**Psalterium cum canticis**> in palimpsesto, imperfectum (**Bibl.** H. Schneider, 'Der altlateinische Palimpsest-Psalter in cod. Vat. lat. 5359', *Biblica* 19 (1938) 361-82; *Manuscripts liturgiques*, ed. Salmon V 3; Lowe, CLA I

8, no. 23.)

Bibl. G. Moschetti, *Primordi esegetici sulla legislazione Longobarda nel sec. IX a Verona secondo il Cod. Vat. lat. 5359* (Centro Italiano di Studi sull'Alto Medioevo 1; Spoleto 1954), describing this MS in depth, with seven plates illustrating the five hands of the MS; F. Bluhme, *Iter italicum*, 4 vols. (Berlin und Stettin 1824-36) IV 272-73 claimed that the MS belonged to Cardinal Fulvio Orsini, but it is not mentioned in P. de Nolhac, *La bibliothèque de Fulvio Orsini* (Bibliothèque de l'Ecole des Hautes Etudes 64; Paris 1887).

The MS is written in rough early Carolingian minuscule, by five hands (cf. Moschetti 55-107), in brown ink. Rubrics and initials are orange on fol. 87v-142v. Gatherings are marked with centered roman numerals on the last verso of each quaternion; these were probably added during a rebinding and serve to show that the missing folios were still present at that time. The contents are noted on <I>v in a 17th-century cursive script. In the upper margin of fol. 1r is the ex libris 'Liber hic est Theodori à Malsen Ultraiectini' in a 16th-century Italic cursive. The 14th-century ex libris of the monastery of San Zeno in Verona is readable by ultraviolet below the 16th-century one (cf. Moschetti 42-43). The palimpsest text is in a 7th or 8th-century uncial. The MS has a mid-19th-century leather binding. Fol. 146v contains only the palimpsest text, with 'xix' written at the top; the folio is torn at the bottom. <I>r is blank.

Vat. lat. 5387

saec. XIII; XV

antea 487.

59 fols. memb. 245 (178) x 158 (122) mm, origin Italy. Quaterniones, saec. XIII; XV (fol. 1ra-38vb saec. XIII; fol. 39r-59r saec. XV).

fol. 1va-6rb <**Bartholomaeus Brixiensis, Quaestiones dominicales**, excerpta> (Praefatio) <A>d honorem omnipotentis Dei et ecclesie Romane cui presidet Gregorius IX^{us} ... (Textus) Quidam habens uxorem condempnatus est de crimine capitali ... (Finis) qui post uotum factus est clericus. (**Ed.** and **Bibl.** See Vat. lat. 2657 fol. 1ra-17vb, and M. Bertram, 'Kanonistische Quaestionensammlungen von Bartholomäus Brixiensis bis Johannes Andreae', *Proceedings Cambridge* 265-82 at 266, 268, 278-79. This version contains *quaestiones* 1, 3, 9, 12, 13, 15a, 17, 18, 20, 25, 36, 37, 40.)

fol. 7ra-38vb **Dinus de Mugello, Apparatus in titulum de regulis iuris in Sexto** (See Vat. lat. 1452 fol. 131ra-156va for further information.) *Variants:* (Rubrica) Dignus (*sic*) super regulis iuris libro vi°. (Finis) § nomen et *pro* 1. Nomen (Colophon) Explicit apparatus domini Dini de Musello supra titulum de regulis iuris libro sexto. Amen etc.

fol. 39r-44r <Incertus auctor, **De gente Carrariae**> (Italice) (Rubrica) Qui de sotto si contiene sotto breuita i nome de magnifici possenti e memorabili signori della splendida e famosissima casa da Carrara secondo che se ha possu trouare per antiche scripture instrumenti e priuilegii imperiali da mille e sexanta octo anni in ça. Misser Gomberto. (Textus) Questo Gomberto se troua per uno instrumento d'una donasom ... (Finis) Fiyuoli di messer Francesco couene predicto. (The work falls into two parts: fol. 39r-42v is a general account; fol. 44r

has the lineage of the lords of Pavia.)

fol. 47r-51r <Incertus auctor, **Tractatus de memoria artificialie**> (Italice)
(Rubrica) Testo dela artificialie memoria. (Praefatiuncula) Mo passemo at tesoro dele cose trouatte ... (Textus) <M>emoria sie ae alguna cossa di arte ... (Finis) et e cossa necessaria conferma con estra zitacione. (Colophon) Finis textus artificialis memorie.

fol. 51r-59r <Incertus auctor, **Expositio memoriae artificialis**> (Italice)
(Rubrica) Sequitur expoxicio in generali proemii (*sic*) et primo de loco.
(Praefatio) <P>er lungo tempo frattelo carissimo fui tuo debittore ... (fol. 51v)
(Textus) Domandi et desidery a te la memoria arttefficialle destinttamente ...
(Finis) nela exposicione del ttesto come nele cosse sequente uedrai. Finis commentti in zenerali.

The first part of this MS (fol. 1ra-38vb) is in a gothic bookhand in brown ink. The second part (fol. 39r-44r) is in a humanistic bookhand in brown ink; the third (fol. 47r-59r) in a late cursive. Fol. 7r has a blue rubric and capital with red and blue paragraph marks. The remainder of the first part has red capitals and paragraph marks. Fol. 1r has an old shelf mark '487' and an original title, as well as later notes. A later hand added a new rubric at fol. 7ra: 'Rubrica de regulis iuris Dyni.' The catchwords of the first part are framed at lower right; the second has no catchwords; but those in the third are at lower right. Fol. 1 and 38 have suffered damage. The MS has a 19th-century leather binding. Fol. 6v, 43r-v, 44v-46v are blank.

Vat. lat. 5399

saec. XVI.2

695 fols. (I: 1-132, II: 133-695) chart. I: 338 (320) x 220 (168), II: 276 (247) x 203 (171) mm, origin Rome. Saec. XVI.2.

fol. 2r-35r **Antonius Augustinus, Tabula fontium Decreti Gratiani**
(fol. 2r) (Rubrica secunda) Sumpta a Gratiano, ex Burchardi Vormaciensis, et Iuonis Carnotensis, atque Anselmi Lucensis, item Deusdedit Cardinalis Decretis.
(Fol. 2-35 were originally a separate unit, numbered i-xxxiv in the upper right corner.)

fol. 36r-70r, 71v-92v, 96v-99r, 100r-111v, 115r-124r, 135r-226r, 409r-522v, 526r-598r, 601r-664r, 669v-677r, 685r-689r <**Correctores Romani, Correctiones in Decretum Gratiani**>, minutae
(Rubrica) Distincti. XVII. i. c. Synodum. (Textus) In titulo huius c. legebatur prius Maxentio episcopo ... (Finis) 4. suae poenitentiae [suae potentiae.] Finis distinctionis primae. (**Bibl.** A. Theiner, *Disquisitiones criticae in antiquas iuris canonici collectiones* (Romae 1836) app. I 8.)

fol. 96r, 599r-600r, 661r ., <**Johannes Marsa, Epistola dedicatoria**, minutae> (See Vat. lat. 4889 IIr for further information.)
(These are longer versions of the letter, clearly very rough drafts.)

- fol. 125r-v <**Notae variae extractae ex archivio civitatis Mutinae, praecipue de venditionibus terrae**>
 (Rubrica) Num. 873. 1278. (Textus) Vgolinus de Fontana commorans in uilla fredri uendidit ... (Nota ultima) 1223 Giliciono filio quondam Gerardi ... (Finis) per consilium sapientium Mediolani super causa episcopi Mutin<ensis> contra Beccasabos(?). (The entries are dated variously from 1168-1348. Most recount sales of land, some around Modena, but some also seem to pertain to books.)
- fol. 126r-127v **Patricius <O'Hely, O.F.M.>, episcopus Magionensis, Epistola ad <Franciscum> Alciatum Cardinalem**
 (Inscriptio) Illustrissime domine protector. (Textus) Praesentium lator est Dermotus Craticus ybernus sacerdos ... (Finis) seruet incolumem (Datum) Lutetiae Parisiorum 23. augusti 1578. (Subscriptio) D.u. illustrissime ut patri paratissimus Patricius episcopus magonensis. (This is a letter of introduction from Patrick O'Hely, bishop of Mayo 1576-1579, for Dermot McCraghe, future bishop of Cork and Cloyne. On fol. 127v, the outside wrapping of the letter, is the address: 'Illustrissimo ac Reuerendissimo Domino Cardinali Alciato protectori ybernorum amplissimo suoque colendissimo etc. Romae.' and traces of a seal.)
- fol. 238r-239v <**Regulae observatae in correctione**> (See Vat. lat. 4889 Vr-VIr for further information.)
- fol. 240r <**Ordo servatus in correctione Decreti**> (See Vat. lat. 4889 VIIIr for further information.)
- fol. 240v-408v <**Correctores Romani, Correctiones in primam partem Decreti**> (See Vat. lat. 4889 VIIIv-fol. 159r for further information.) *Variants:*
 (Praefatio) (Textus) D. *pro* domini (Finis) et ut Christi pro ut et Christi (For the explicit, cf. Vat. lat. 4889 fol. 152v. This is a neat but not finalized copy of the text found in Vat. lat. 4889. It generally lacks marginal notes and inscriptions from fol. 267r onwards.)
- fol. 668r **Marianus Victorius, Epistola ad Latinum Viterbiensem** (Italice)
 (Inscriptio) Molto reuerendo et eccellente signor mio ossequio. (Textus) Io non uenni alla congregazione passata ... (Finis) crede il contrario. (Subscriptio) Servitore Mariano Victorio. (The author († 1572) was bishop of Amelia and Rieti.)

This MS consists of drafts and working notes for materials found in finished form in Vat. lat. 4889, q.v. The MS is not so much an integral work as a dossier, the work of many hands (both copyists and annotators), in black ink and without decoration. The gatherings are extremely irregular. The working drafts of Marsa's letters (fol. 96r, 599ff, and 661r) and those of editorial aids such as the 'leges' and 'ordo' suggest that this collection of materials originated with someone participating in the work at quite a high level, perhaps Marsa himself. (The presence of Patrick O'Hely's letter suggests a source in Alciato's circle.) But there is also a large amount of purely scribal work, like the tediously repeated blocking out of the inscriptions of the correctors. Dates given in the material range from May 1566 (fol. 240v) to August 1578; with the exception of sections at fol. 59r-63v (an C.1. q.2-3) and fol. 685r-689r (on *De poen.*), the contents deal only with the *Distinctiones*. Fol. 1r is a title page, with the shelfmark '5399 p. 1', and the inscription

'Sumpta a Gratiano, ex Burchardi Vormacensis, et Iuonis Carnotensis, atque Anselmi Lucensis, item Deusedit Cardinalis Decretis. Ex Bibliotheca Ant. Augustini Episcopi Ilerdensis ab eodem pro iuuanda correctione Decreti D. Gratiani transmissa'. On fol. 678r-679r is a rough draft of the minutes of a consistory; cf. Vat. lat. 4913 fol. 76r-v. On fol. 683r is a note on a local festival in Turin, 'de celebratione passionis Ss. Solutoris, Adventoris et Octavii in civitate Taurinensi tertidecimo calendas februarii ... 12^o calendas decembris potissimum recolitur' (a slip of paper pasted in length-wise). Fol. 684r contains a note concerning the *ius patronatus* of a chapel of the Trinci family, dated 1578. Other notes apart from the usual type of editorial material appear on fol. 230v, 236r, 237r-v, 507v, 542r, 568r (on types of indices), 595v, 670v, 677r (a slip pasted in, listing various books and libraries), 680r-684r, 689v-691r. Tables of sources appear on fol. 93ra-95rb and 112r-113va; fol. 231v contains a list of assignments of parts of the *Decretum* to various members of the commission. Catchwords are rare, appearing at the lower right when present. The parchment binding of the MS dates from the last quarter of the 18th-century. Fol. 1v, 35v, 64r-v, 70v-71r, 88v, 95v, 99v, 114r-v, 121v, 124v, 126v-127r, 128r-134v, 163v, 166r, 226v-230r, 231r, 232r-235v, 236v, 265r, 266r-v, 274v, 277r, 282v, 323v, 332r, 334v, 409v, 427v-428v, 433r-v, 434v, 439r-v, 441v, 445v, 449r-v, 455r-v, 456v, 462r, 464v, 465v, 468r-v, 478r-v, 494r-495v, 500v-503v, 508r-v, 509v, 511v, 512v, 516r, 518v, 519v, 523r-525v, 526v, 527v, 539r, 541v, 542v, 547v, 562v, 565v, 568v, 586r-587v, 596r, 598v, 600v, 603r-v, 624r-627r, 628v, 632r-633v, 635v-636r, 646v-647v, 657v, 660v, 661v, 663v, 664v-667v, 668r, 669r, 675v, 676v, 677v-678r, 679v, 681v, 684v, and 691v-695v are blank.

Vat. lat. 5403

saec. XVIlex.

antea 87. Prov. Francesco Peña, auditor of the Rota (1588-1612). **Scr.** Johannes Baptista de Monte Libano. O.P.

<III> + 135 fols. chart. 400 (365) x 268 (120) mm, origin Lebanon (?). Quiniones, saec. XVIlex.

fol. 72v-5r, 1v (*sic*) **Didascalia apostolorum** <**syriace cum translatione latina**> (fol. 72v) (Rubrica) Didascalia scilicet doctrina catholica duodecim apostolorum et discipulorum sanctorum saluatoris nostri. Caput primum. De lege simplici et naturali. (Textus) Planta Dei et uinea sancta ecclesiae eius catholicae electi confidentes ... (fol. 1v) (Finis) qui erat et est et permanet nunc et in aetatem aetatum et in saecula saeculorum. Amen. (Colophon) Explicit didascalia uidelicet doctrina (*sup. lin.*) apostolorum sanctorum eorum oratio nobiscum. Amen. (**Ed.** Cf. *Didascaliae apostolorum canonum ecclesiasticorum traditionis apostolicae versiones latinae*, ed. E. Tidner (Texte und Untersuchungen zur Geschichte der altchristlichen Literatur 75; Berlin 1963); R.H. Connolly, *Didascalia apostolorum. The Syriac version translated and accompanied by the Verona latin fragments* (Oxford 1929; repr. 1969), both of which, based on the Syriac text, have a Latin text closer to this MS than *Didascalia et Constitutiones apostolorum*, ed. F.X. Funk, 2 vols. in 1 (Paderborn 1905; repr. Torino 1970), which is based on the Greek. The Syriac text, not reproduced here, is written from back to front on fol. 72v-5r, finishing on 1v. The interlinear Latin translation must be read in the same way, including ZZ reading each line from right to left. The colophon was added by a later hand.)

fol. 73r-76v **Concilium Ancyritanum** (314)

(Invocatio) In nomine Domini Dei nostri Iesu Christi. (Praefatio) Rursus. Canones 24 qui positi fuere in ciuitate Anacora (*sic*) Galatiae ... (Canones) Presbiteri qui

immolarunt et postea redierunt ... (Finis) ad orationem iuxta gradus (canones *sup. lin.*) prefinitos. (Colophon) Expliciunt canones 24 qui propositi fuere a synodo Ancirana. (**Ed.** Cf. Turner, *Monumenta*.II 1-11, 18-27, 33-43, 48-51, 54-115.)

fol. 76v-78r **Concilium Neocaesariense** (314/15)

(Praefatio) Rursus. Canones alii 15 synodi que congregata fuit in Neocaesarea ciuitate ... (Rubrica) Canon I. De presbiteris qui ducunt uxores, aut fornicantur aut adulterantur ... (Canones) Presbiter si duxerit uxorem cesset (deponatur *sup. lin.*) ab ordine suo ... (Finis) magna sit ciuitas, persuadeatur ex libro actuum. (Colophon) Expliciunt canones synodi (*sic*) Neocesariensis qui erant definitiones quindecim. (**Ed.** Cf. Turner, *Monumenta* II 12-15, 28-35, 44-47, 52-53, 116-44. **Bibl.** Cf. Vat. lat. 1342 fol. 8v-10v.)

fol. 78r-81r **Concilium Gangrense** (340/41)

(Praefatio) Rursus canones 20 qui positi fuere Gangre ... (Epistola synodalis) Quoniam scilicet cum congregata esset synodus sancta episcoporum in ecclesia Gangresi (*sic*) ... (fol. 79r) (Canones) (Rubrica) Canon i. De eis, qui execrant (contaminant *sup. lin.*) matrimonium ... (Textus) Si qui (*sic*) uiteperat (*sic*) matrimonium ... (Finis) et a traditionibus apostolicis ut sint in ecclesia oramus. (Colophon) Expliciunt canones 20 qui propositi (positi *sup. lin.*) sunt in synodo Gangrense (*sic*) (**Ed.** Cf. Turner, *Monumenta* II 146-214. **Bibl.** Cf. Vat. lat. 1342 fol. 6v-8v. The list of bishops is included in the preface.)

fol. 81r-86v **Concilium Antiochenum** (341)

(Rubrica) Rursus Synodus congregata in renouationibus ecclesiae Antiochenae canones 25. Praefatio ipsius synodi. (Epistola synodalis) (Praefatio) Synodus sancta et pacata a Deo congregata in ecclesia ... (fol. 81v) (Canones) (Rubrica) Canon 1. De his qui faciunt contra que Niceae definita sunt circa festum s.Pascatis. (Textus) Omnes illi qui audent soluere difinitionem synodi magnae (fol. 82r) et sanctae, que Niceae congregata ... (Finis) approbante (interligante (?) *sup. lin.*) synodo sancta ipsius prouinciae quod condecet, et rectum est. (Colophon) Expliciunt canones 25 synodi Antiochenae. (Subscriptiones) Eusebius proximus (?) omnibus his quae determinata (diffinita *sup. lin.*) sunt a synodo sancta consensi ... cum unum corpus sit ecclesia catholica. Hic etiam relinquo epistolam dictam breuitatis causa. (**Ed.** Cf. Turner, *Monumenta* II 216-320.)

fol. 87r-90r **Concilium Laodicense** (347/381 ???)

(Rubrica) Synodus Laodicensis. Rursus canones alii 59 positi Laodiceae Phrigiae Synodus sancta que Laodiceae Phrigiae Pacatianae congregata fuit ex diuersis prouinciis Asiae definitiones (determinationes *sup. lin.*) posuit ecclesiasticas sicuti ordinatae et positae sunt infra. (Canones) (Rubrica) Canon primus. (Textus) De eo quod decet secundum canonem ecclesiasticum qui libere, et legitime ... (Finis) sed solum illos canonicos testamenti ueteris ac noui. (Colophon) Expliciunt canones 59 synodi congregatae Laodiceae; Phrygiae Pacatianae. (**Ed.** Cf. Turner, *Monumenta* II 321-400.)

fol. 90r-93r **Concilium Constantinopolitanum I** (381)

(Rubrica) Synodus septima Constantinopolitana. (Praefatio) Rursus canones alii qui positi fuere in synodo ... (fol. 90v) (Canones) (Rubrica) Canon 1. De eo quod immobilia permaneant ea que Niceae definita fuere et de anathematibus hereticorum. (Textus) Ne spernatur fides patrum 318 qui Niceae Bythyniae congregati sunt ... (fol. 92r) (Finis canonum) affecit canones et corripit pulchritudinem (uenustatem *sup. lin.*) ordinis ecclesiastici. (Colophon) Expliciunt canones 4. definiti a synodo sancta episcoporum 150 qui Constantinopoli Roma noua ... <Subscriptions> ... (Rubrica) Relatio symboli (*add. sup. lin.*) fidei episcoporum 150. (Symbolum) Credimus in unum Deum Patrum tenentem (omnipotentem *sup. lin.*) omnia ... (fol. 92v) (Colophon) Explicit symboli fidei patrum 150 qui congregati sunt simul Constantinopoli ciuitate regni (*regia sup. lin.*). Epistola missa ad diligentem Deum Theodosium magnum a synodo sancta episcoporum 150. (Inscriptio) Fideli et diligenti Deum regi Theodosio synodus sancta episcoporum que ex prouinciis diuersis congregata est ad Constantinopolim. (Epistola) Initium (principium *sup. lin.*) scriptionum nostrarum que ad fidelitatem uestram est ... (Finis) ita et haec que communiter placuere nobis omnibus diffinias. (Colophon) Explicit epistola 150 patrum ad Theodosium. (Ed. Turner, *Monumenta* II 401-72, and, for the letter to Theodosius, Mansi 3.558. The preface misdates the council to 429.)

fol. 93r-94r **Concilium Ephesinum** (431), excerpta

(Rubrica) Rursus canones duo, qui positi fuere in synodo sancta quae congregata fuit in Epheso propter impium Nestorium in diebus Theodosii regis fidelis, qui uocatur minor. (Textus) Negotium extra leges ecclesiasticas et extra canones patrum ... (Finis) per quosdam orientales qui insurrexerunt contra gubernatores. At praecipui (noti *sup. lin.*) ipsius synodi erant isti Caelestinus episcopus Romanus, Cirillus ... Memnon Ephesi, Theodotus Ancirae, Acachius Militensis. (Colophon) Expliciunt haec quae sinodi Ephesinae. (Ed. *Acta conc. oecum.* 1.3-5, ed. Schwartz, passim for Ephesus material. The excerpts concern the patriarch of Antioch's powers in Cyprus and the heresy of Nestorius.)

fol. 94r-105r **Concilium Carthaginense** (258)

(Rubrica) Rursus Synodus 87 episcoporum facta (*habita sup. lin.*) Charcidoniae (*sic*) ciuitate Aphricae in diebus sancti Cipriani episcopi et martiris. (Rubrica secunda) Decisio episcoporum, 87 in numero, que interpretata (*exposita stup. lin.*) fuit grecae a lingua Romana de eo quod oportet baptizare hereticos. (Textus) Cum congregati (*congregata^{ac}*) fuerunt kalendis septemb. quod est prima septembris episcopi complures ex Aphrica ... (Finis) ex inimicis, amici, ex antichristis idest aduersariis Christi, Christiani. (Colophon) Explicit sectum (*sic*) episcoporum 87. (Ed. Mansi 1.951-65.)

fol. 105v-107v **Cyprianus (s.), Epistola <71> ad Quintum**

(Rubrica) Item, epistola eiusdem Cipriani S. ad Cynthium (*leg. Quintum*). (Inscriptio) Ciprianus ad Cinthium fratrem meum in Domino gaudendum. (Textus) Lucianus presbiter simul, o frater dilectissime, narrauit mihi de cura ...

(Finis) et ad episcopos alios filios ministerii nostri, qui in eadem regione prepositi sunt. (Colophon) Explicit epistola S. Cipriani episcopi et martiris ad Cintium episcopum. (**Ed.** S. Thasci *Caecilii Cypriani Opera omnia*, 2 vols., ed. G. Hartel (Corpus Scriptorum Ecclesiasticorum Latinorum 3.2; Vindobonae 1868-71, repr. New York 1965) II 771-74.)

fol. 107v-110r **Cyprianus (s.), Epistola ad <Fidum>**

(Rubrica) Rursus epistola alia ad Philum (*leg.* Fidum) episcopum de presbitero cuius canon solutus fuit ... baptizari pueros si sit neue (*sic*) (periculum *sup. lin.*). (Inscriptio) Ciprianus et episcopi qui mecum sunt Filo fratri nostro et filio ministerii nostri in Domino gaudendum. (Textus) Legimus scriptiones tuas, o frater dilectissime, quibus significasti nobis ... (fol. 109v) (Finis) nihil aliud faciunt, nisi offerre supplicationem. (**Colophon**) Explicit epistola, et que ad synodum Carcidonensem. (fol. 110r) (Colophon secundum) Explicit epistola sancti Cipriani ad Philum episcopum de pueris baptizandis. Expliciunt que pertinent ad synodum Carcidon. Aphrice 87 episcoporum diebus sancti Cipriani episcopi et martiris, que tunc e lingua Romana in Grecam, nunc uero anno 998 Grecorum e Greca in Syriacam. (**Ed.** PG 3.1047-56.)

fol. 110r-112r **Concilium quodam Antiochenum, canones ex epistola ad episcopos orientales**

(Rubrica) Rursus canones alii ex epistola scripta ex Italia ad episcopos orientales, hi uidelicet qui missi fuere ab episcopis qui congregati sunt in Antiochia. Canon primus. (Textus) Si quis profiteatur mussitationem aut incantationem (ueneficium *sup. lin.*) tempus homicidae ... (Finis) non igitur permittamus (sustineamus *sup. lin.*) perire cum talibus. (Colophon) Expliciunt canones 16 ex epistola conscripta ex Italia ad episcopos orientis. (**Bibl.** F. Schulthess, 'Die syrischen Kanones der Synoden von Nicea bis Chalcedon nebst einigen zugehörigen Dokumenten herausgegeben', *Abhandlungen der königlichen Gesellschaft der Wissenschaften zu Göttingen, philologisch-historische Klasse* 10 (1908) no. 2, p. ix; the text is edited from Paris BN syr. 62.)

fol. 112r-114r **Ignatius, episcopus Antiochensis (s.), Epistolae variae, excerpta**

(Rubrica) Verba selecta ex epistolis sancti Ignatii discipuli apostolorum ... habentibus uim canonum ecclesiasticorum. Ex epistola ad Ephesios. (Textus) Caueamus igitur ne simus aduersarii episcopis ... (Excerptum ultimum) (Rubrica) Rursus ex illa que ad Policarpum supra posita. (Textus) Conuenit tibi o Polycarpe digne beatitudine a Deo ... (Finis) hoc enim opus Dei est, et uestrum cum perficeritis (exempti eritis *sup. lin.*) illud (*ed.* 726B). (Colophon) Expliciunt que sancti Ignatii induentis Deum et martiris. (**Ed.** of full texts, PG 5.643-727 passim. The last excerpt is from the letter to Polycarp; cf. 726B.)

fol. 114r-121v **Petrus episcopus Alexandrinus (s.), Epistola**

(Rubrica) Rursus ex concione sancti Patri (*sic*) patriarchae Alexandrie et martiris de eis qui inciderunt in persecutionem. (Textus) Ideo qui inciderunt in laqueum calumniatoris uolentes se paenitere ... (Finis) et pro regno coelorum in Domino

oro, dilectissimi. (Colophon) Explicit epistola Petri episcopi Alexandrini et martiris de eis qui ceciderunt in persecutione. (**Ed.** PL 18.467-608 for the works of Petrus; this may be taken from his *epistola canonica*. **Bibl.** T. Vivian, *St. Peter of Alexandria: Bishop and Martyr* (Studies in Antiquity and Christianity; Philadelphia [1988]), with a translation into English of the canonical letter.)

fol. 121v-122r **Concilium <Pseudo->Serdicense**

(Rubrica, *marg.*) Concilium Sardicense. (Rubrica) Synodus Sardicensis conflata ex diuersis prouinciis et regionibus orientis. (Textus) Credimus in unum Deum Patrem omnipotentem creatorem ... (Finis) factus est anno 30. Domini nostri die 25 mensis martii. (**Ed.** Turner, *Monumenta* I 638-41. The text breaks off in the middle of the discussion of the paschal cycle.)

fol. 122v-127r **Concilium Serdicense** (343)

(Rubrica) Quae diffinita fuerunt in synodo Sardicensi. (Praefatio) Diffinitiones ecclesiasticae propositae a synodo magna Sardicensi conflata ex prouinciis et Roma ... (Canones) (Rubrica) Prima diffinitio. (Textus) Osius (Cusius ed.) episcopus ciuitatis Cordobae posuit sic: Non totam hanc consuetudinem malam ... (Finis) qui eiusmodi est, omnes episcopi dixerunt diffiniatur et hoc. (**Ed.** Turner, *Monumenta* I 490-531.)

fol. 127r-129v **Concilium Chalcedonense** (451), excerpta

(Rubrica) Rursus canones 25 (*sic*) concilii Calcidonensis. (Praefatio) Synodus multorum episcoporum congregata fuit in Calcidonia Ciuitate ... (Canones) (Rubrica) Primus canon. De confirmatione omnium canonum priorum. (Textus) Canones priores qui huiusque a patribus nostris in omni sinodo ... (Finis) decidere a gradibus suis, si uero laici, excommunicari. (Colophon) Expliciunt canones 27 qui diffiniti sunt in synodo Calcidonensi. (**Ed.** Cf. *Acta conc. oecum.* 2.3, ed. Schwartz, pp. 531-37.)

fol. 130r-133r **Concilium Seleceense-Ctesiphon** (449??)

(Rubrica) Rursus canones aliqui, et ordinationes propositae a synodo episcoporum Persarum facta Seleuca et Cataisphon ciuitatibus ... (Textus) Congregati sunt episcopi 40 in Seleuca et Cataisphon et erant principales eorum Isaac Catholicus ... (Finis) ut auaritia et crapula querat ab eis negotia accipiendi et dandi. Finis conciliorum. (**Ed.** J.B. Chabot, *Synodicon orientale* (Paris 1902), unseen. **Bibl.** Mansi 4.441-42.)

Bibl. F. Schulthess, 'Die syrischen Kanones der Synoden von Nicea bis Chalcedon nebst einigen zugehörigen Dokumenten herausgegeben', *Abhandlungen der königlichen Gesellschaft der Wissenschaften zu Göttingen, philologisch-historische Klasse* 10 (1908) no. 2, describing Paris BN syr. 62 and similar collections (e.g. Borgh. sir. 82) and printing a collective edition of the Syriac texts; A. Baumstark, 'Frances Peña und die kirchenrechtliche Literatur der Syrer'. *Oriens Chrtistianus* 3 (1903) 211-14, describing the MS and placing it in its historical context.

The MS can be divided into three parts: (1) the Syriac Didascalia text with translation (to be read

backwards) on fol. 72v-5r, Iv; (2) the translations without the Syriac original on fol. 73r-133r, in a contemporary hand; (3) fol. 2r-4v, a table of contents of a Syriac MS, with which Baumstark shows that the exemplar for this MS might have been Paris, BN syr. 62. The Paris MS may have passed through Lebanon enroute to Florence; in Lebanon it might have been used by the scribe of this MS, who added a note on baptism on fol. 105r: 'Iohannes Baptista de Monte Libano ordinis predicatorum ab ecclesia Romana Dei ueritatem edoctus ...'.

The Syriac text is written in a fluent cursive script, the interlinear Latin in a small, cramped cursive, both probably by the same scribe and both in dark brown ink. It appears to also be by Iohannes Baptista de Monte Libano, who definitely wrote fol. 73r-133r. All texts are written in a single narrow column against the binding with almost half the folio free for annotations. There is no color or decoration. Fol. 2-4 are much smaller leaves (282 [265] x 200 [82]) inserted between the last two leaves of the Syriac text. <I>r has the former shelfmark '87' and the note 'Ex libris Francisci Peniae Rotae Romanae decani'. Below the explicit on fol. Iv is the note 'Sedulitate atque iussu reuerendissimi domini domini Francisci nuncupati Penia auditoris Rotae peritissimi e syriaco in latinum sermonem translata est hec didascalia anno Dominicae reparationis millesimo quingentesimo nonagesimo sexto.' For watermarks, cf. Briquet 7629 (similar?) The MS has a late 18th-century parchment over cardboard binding. Fol. 132v and 133v are blank.

Vat. lat. 5405

saec. XV (1467-71)

Prov. Francesco Peña, auditor of the Rota (1588-1612); Ludovico Podocataro, card. 1500-1504; Angelo Fasola. **Illum.** Giuliano Amadei. 246 fols. memb. (chart.: fol. 1) 328 (200) x 226 (120) mm, origin Italy (Rome). Quiniones, saec. XV (1467-71).

fol. 2r-237r <**Concilium Chalcedonense**>, imperfectum (See Vat. lat. 1319 fol. 99ra-240vb for further information.) *Variants:*

(Epistola 35) (Rubrica) Exemplar imperialium litterarum quae Niceae missae sunt sancto concilio dum adhuc piissimus imperator in Thracia resideret ut deberet indifferenter Calcedona migrare. (Inscriptio) Imperator (*sic*) Valentinianus et Marcianus uictores semper augusti, sancto concilio quod Nicea per Dei uoluntatem nostra sanctione collectum. (Textus epistolae) Dudum quidem per alias diuinas nostras litteras indicauimus uestre religioni ... (Rubrica actionis primae) Incipit eiusdem magne synodi actio prima. (Textus actionis primae) perpetuo *pro* perpetui, indictionis pro indictione (Colophon) Explicit. (**Ed.** *Acta conc. oecum.*, ed. E. Schwartz, 2.3.1-2, pp. 22-346, 361-561, 346-357. This codex lacks the first 34 of the 35 letters which normally precede the first session of the council. As in Vat. lat. 1321, several selections from the end of Actio III follow the proper ending of the concil; see Schwartz's note, 2.3.2, p. 347.)

fol. 237r-241r <**Facundus Hermianensis (s.)**>, **Epistola fidei catholicae in defensione trium capitulorum** (See Vat. lat. 1321 fol. 139vb-144ra for further information.)

Variants:

(Rubrica) in defensione *add. post* catholice

fol. 241v-246v **Cyprianus (s.)**, **Epistola ad Caecilium de sacramento dominici calicis**, imperfecta (See Vat. lat. 1321 fol. 144ra-147ra for further information.) *Variants:*

(Rubrica) Celium *pro* Cecilium (Inscriptio) Celio *pro* Cecilio (Textus) sentiam *pro* sciam (Finis) et obseruare quod docuit et facere quod fecit. (Colophon) Sanctum Chalcedonense consilium (*sic*) explicit feliciter. Deo gratias.

Bibl. J. Ruyschaert, 'Miniaturistes "romains" sous Pie II', *Enea Silvio Piccolomini Papa Pio II*, ed. D. Maffei (Siena 1968) 245-82 at 265-66, identifying the decorator and former owners.

The MS is written in black ink by a single scribe writing humanist Italic cursive. This is the same copyist who wrote Ottob. lat. 458 (cf. Ruyschaert). Fol. 2r has a three-quarter border in white vine design with birds and putti. The gold letter opening the text is worked into the design. In the lower margin, two putti support a wreath within which are the arms of Ludovico Podocataro, card. 1500-1504. According to Ruyschaert, these cover the arms of Angelo Fasola. Gold initials with white vine decoration open each session. Minor capitals are simple blue or red block letters. Rubrics, usually in Roman round, are red. Fol. 1r has a 16th-century ex libris: 'Ex libris Francisci Peniae rotae Romanae decani'. Catchwords are centered and lightly decorated. The MS has a late 19th-century leather binding. Fol. 1v is blank.

Vat. lat. 5424

saec. XVIin.

Prov. Francesco Peña, auditor of the Rota (1588-1612).

a-f + 233 fols. + 136a + 230a-b chart. 204 (160) x 137 (78) mm. origin Rome(?).

Seniones, saec. XVIin.

fol. b^r-d^v <Tabula codicis>

fol. 1r-11r <**Summa de absolutionibus et dispensationibus**, sive Summa Nicolai IV, cum additionibus> (See Vat. lat. 2663 fol. 34r-38v for further information.)

Variants:

(Rubrica) De potestate penitentiariorum (Praefatio) trecentesimo uicesimo *pro* cc^{mo} nonagesimo ... (Finis) quas in tales in certis locis promulgauit.

fol. 11r-18v <**Casus in quibus fertur sententia excommunicationis, interdicti vel aliarum censurarum secundum constitutiones Clementinas**> (See Vat. lat. 3994 fol. 67r-70v for further information.) *Variants:*

(Finis) pape *pro* predicti (Colophon) Deo gratias. Amen. *om.*

fol. 18v-19r **De potestate iniungendi poenitentias ab episcopo commissas** (See Vat. lat. 3994 fol. 70v for further information.)

fol. 19r-29r <**Casus in quibus sententia vel poena incurritur ipso facto secundum constitutiones Clementinas**> (See Vat. lat. 3994 fol. 70v-76v for further information.)

fol. 29r-34r <**Summaria titulorum constitutionum Clementinarum**> (See Vat. lat. 3994

fol. 79r for further information.) *Variants:*

(Rubrica) De fide catholica. (Textus) Christus fuit mortuus, lanceatus. Anima est

- fidei catholice forma corporis humani ... (Finis) Romana curia *pro* curia romana.
(This MS contains an additional paragraph at the start.)
- fol. 34r-v Incertus auctor, **De exceptionibus duarum regularum** (See Vat. lat. 3994 fol. 78r-79r for further information.)
- fol. 34v-38v **Regulae poenitentiariae**, imperfectae (See Vat. lat. 3994 fol. 79r-81r for further information.)
- fol. 39r-55v **Benedictus XII, Const. In agro dominico**
(**Ed.** *Bullarium Romanum* IV 416-24.)
- fol. 55v-74r **Taxationes litterarum poenitentiariae** (See Vat. lat. 3994 fol. 9v-18v for further information.) *Variants:*
(Inscriptio) Ganzelmus *pro* Gaucelmus
- fol. 74r-75v **Benedictus XII, Privilegia et stipendia poenitentiariorum** (See Vat. lat. 3994 fol. 18v-19r for further information.)
- fol. 75v-84v <**De observantiis poenitentiariorum**> (See Vat. lat. 3994 fol. 19r-23v for further information.) *Variants:*
(Rubrica) Capitulum *om.* (Finis) recipiendo *pro* incipiendo
- fol. 84v-86v <**Feriae poenitentiariae**> (See Vat. lat. 2663 fol. 20va-21rb for further information.)
- fol. 86v-89r **Gaucelmus Johannis Deuza, Supplicatio ad Clementem VI, cum rescripto papae** (See Vat. lat. 2663 fol. 38v-39v for further information.)
Variants:
(Rubrica) Casus sequentes concessit dominus Clemens papa sextus. Nota quod dominus Clemens papa vi concessit casus infrascriptos domino Gaucelmo episcopo Albanensi maiori penitentiario (Rubrica rescripti) Sequuntur uerba domini nostri pape de manu sua scripta et concessionem eiusdem super predictis casibus. Ista sunt. (Rescriptum) nostrum *add. post* officium.
- fol. 89r-92r **Forma ad reconciliandum apostatam a fide** (See Vat. lat. 3994 fol. 32v-34v for further information.)
- fol. 92r-93r <**Innocentius IV, Const. Perlectis litteris**> (See Vat. lat. 3994 fol. 34r-v for further information.) *Variants:*
(Textus) Per litteras uestras *pro* Perlectis litteris uestris
- fol. 93r-103r **Casus pertinentes ad officium poenitentiariae** (See Vat. lat. 3994 fol. 34v-40r for further information.)
- fol. 103r-v Incertus auctor, **De poenitentibus mittendis ad curiam Romanam** (See

- Vat. lat. 3994 fol. 40r-v for further information.) *Variants:*
 (Rubrica) de hiis *om.*; Versus siue casus *marg.* (Textus) Hereticus *pro* Hereticus
 (Finis) ZZ Nisi pro Ni (sic) sibi
- fol. 103v-108v, **Declaratio predictorum versuum** (See Vat. lat. 3994 fol. 40v-43r for further information.) *Variants:*
 (Rubrica) Sequitur predictorum uersuum declaracio. (Finis) ZZ Nisi pro Si; Ni (sic) sibi; id in ipsis factor eorum *add.*
- fol. 108v-120v **Bonaguida de Aretio, <Tractatus> de dispensationibus**, forma brevior
 (See Vat. lat. 3994 fol. 43r-49r for further information.) *Variants:*
 (Rubrica) Sequitur potestas abbatis. (**Bibl.** Izbicki, 'Problems in TUI' 485.)
- fol. 120v-156r **Berengarius Fredoli, <Liber de excommunicatione et interdicto>**, imperfectus (See Vat. lat. 3994 fol. 49r-64r for further information.) *Variants:*
 (Inscriptio) Biturensis pro Biturensi.
- fol. 156r-163r **<Berengarius Fredoli, De exceptionibus duarum regularum circa iniunctionem manuum in clericum>** (See Vat. lat. 3994 fol. 64v-67v for further information.) *Variants:*
 (Rubrica) subsequentium *pro* sequentium
- fol. 163r-164v **<Memoriale de privilegiis poenitentiariorum minorum, saec. xiv>** (See Vat. lat. 3994 fol. 81r-v for further information.)
- fol. 164v-167r **<Excommunicationes papae reservatae>** (See Vat. lat. 3994 fol. 81v-82v for further information.) *Variants:*
 (Finis) preterque *pro* preter quam
- fol. 167r-169r **Clemens <V>, Const. Ne Romani** (Clem. 1.2.3).
 (See Vat. lat. 3994 fol. 82v for the introductory rubric.)
- fol. 169r-173r **Eugenius IV, Const. Ad sacram Petri sedem** (See Vat. lat. 3994 fol. 93v-85r for further information.)
- fol. 173r-175r **Eugenius IV, Const. Devotionis vestrae sinceritas** (See Vat. lat. 3994 fol. 87r-v for further information.)
- fol. 175r-177v **Eugenius IV, Const. Prudens paterfamilias** (See Vat. lat. 3994 fol. 87v-88v for further information.)
- fol. 177v-180v **<Forma bullarum receptionis poenitentiariorum>** (See Vat. lat. 3994 fol. 89r-90r for further information.) *Variants:*
 (Textus) zelus *pro* celus
- fol. 180v-185v **<Jordanus de Ursinis, Ordinationes super receptione**

poenitentiariorum> (See Vat. lat. 3994 fol. 85r-87r for further information.)

Variants:

(Rubrica) Reuerendissimi domini, domini Jordani de Ursinis miseratione diuina episcopi Sabinensis cardinalis ac maioris penitentiarii domini pape Eugenii ⁱⁱⁱⁱ^{ti} *add. post ordinatio* (Finis) undecim *om.*

fol. 185v-186v **Forma litterae quae conceditur poenitentiario minori** (See Vat. lat. 3994 fol. 90r-v for further information.) *Variants:*
<Colophon deest.>

fol. 186v-190r **Sixtus IV, Const. Prouida Romani pontificis** (1 nov. 1473)
(Rubrica) Sequitur bulla sancte memorie Sixti contra bullatores in fauorem penitentiariorum super emolumentis plumbi. (Inscriptio) Sixtus episcopus ... ad futuram rei memoriam. (fol. 187r) (Textus) Prouida Romani pontificis circumspectio ... (Finis) huiusmodi debeant inuiolabiliter obseruare. Nulli ergo ... Si quis ... Datum Rome apud sanctum Petrum anno incarnationis Dominice millesimo quadingentesimo septuagesimo tertio kalendis nouembris pontificatus nostri anno tertio. (Notationes) De curia Grifus Yo. Tartinis Registrata in camera apostolica de Ursinis pro G. Blondo. (**Ed.** Göller, *Die päpstliche Pönitentiarie* II.2, pp. 77-78 edits most of the text, omitting the summary of the statute of Eugenius IV at the beginning, citing this MS and printing the notations at the end of the text.)

fol. 190v-196v **Philippus Calandrinus, Statuta collegii poenitentiariae**
(Rubrica) Ista sunt statuta sacri collegii poenitentiariae apostolice edita per reuerendissimum in Christo patrem et dominum, dominum Philippum miseratione diuina episcopum Portuensem sancte Romane ecclesie cardinalem Bononiensem et maiorem penitentiarium, que iussit de consensu unanimi omnium minorum poenitentiariorum et uoluit per omnes tam minores poenitentarios quam substitutos et supernumerarios ubique respectiue inuiolabiliter obseruari. (Textus) Singulis diebus hora prima, scilicet in ortu solis omnes poenitentiarii conueniunt ... (Finis) alias astringantur pena, ut poenitentiarii. (Subscriptio) Lecta fuerunt et publicata supradicta statuta per me Iohannem Antonium de Panigali ... hic me propria manu subscripsi. (Additio) Insuper postmodum anno millesimo quadingentesimo septuagesimo quarto die quinta iulii post publicationem ... prout confectum fuit per cancellarium reuerendissimi domini cardinalis. (**Ed.** Göller, *Die päpstliche Pönitentiarie* II.2, pp. 35-39, using this MS. siglum V⁴.)

fol. 197r-198v <**Nota de pecunia poenitentiariis numerata pro valore vestimentorum post mortem Sixti papae IV**>

Anno M[cccc]lxxxiv die decima mensis septembris pro obitu bone memorie domini Sixti papae IIII poenitentiarii minores, qui tunc temporis ... (Finis) quos in uestris computis admittemus. Datum in camera apostolica sub nostri signeti impressione die x septembris MCCCCLXXXIIII ante coronationem sanctissimi domini nostri Innocentii pape octau. Falco prothonotarius et thesaurarius generalis. H. Brunus d. (Quitantia) Die introscripta (*sic*) nomine omnium ... et

quietauit in forma etc. (Ed. Göller, *Die päpstliche Pönitentiarie* II.2 pp. 135-36, using this MS: siglum K.)

fol. 198v-208v <**De infirmitate et de obitu papae**>

(Rubrica) Infrascriptus modus seruatur in infirmitate pape et eius morte prout etiam habetur in formulariis dominorum sacriste et magistrorum cerimoniarum domini pape. (Textus) Sciendum est quod (que cod.) iste modus consuevit obseruari in Romana curia Romano pontifice egrotante ... (Finis) per ordinem usque in finem. (Colophon) Hec omnia supra scripta ego Jacobus Cacia Nouariensis et penitentiarius pape reperi in libris sacriste ... super exequiis prefati domini pape deputato die tertia augusti 1482 (*recte et ante corr.* 1492). (Ed. *Le cérémonial papal de la fin du moyen âge à la renaissance*, ed. M. Dykmans, 4 vols. (Bibliothèque de l'Institut historique Belge de Rome 24-27; Rome 1977-85) IV 216-27, not using this MS or printing the colophon. **Bibl.** Cf. Göller, *Die päpstliche Pönitentiarie* II.2, p. 136, note preceding item B.)

fol. 209r-211r **Innocentius VIII, Const. Super familiam** (24 oct. 1486)

(Rubrica) Bulla declarationis uoluntatis et decreti familiaritatis cappellanie sedis apostolice et prefati domini Innocentii pape et successorum suorum necnon continue commensalitatis pro penitentiariis apostolicis. (Inscriptio) Innocentius episcopus ... ad perpetuam rei memoriam. (Textus) Super familiam domini licet ... (fol. 210v) (Finis) ceterisque contrariis quibuscumque. Nulli ergo ... Si quis ... Datum Rome apud sanctum Petrum ... pontificatus nostri anno 3°. (Colophon) Gratis de mandato s.d.n. pape. A. de Valle. Registrata in camera apostolica. Blondus. Hanc bullam ego Jacobus Caccia penitentiarius registraui in presenti formulario de uerbo ad uerbum, prout in bulla continebatur. (**Bibl.** Göller, *Die päpstliche Pönitentiarie* II.2 p. 85, printing the colophon from this MS.)

fol. 211r-212v <**Nota de pecunia poenitentiariis numerata pro valore vestimentorum post mortem Innocentii VIII**>

(Rubrica) De obitu Sixti IIII (corr. in marg. Innocentii) Millesimo quadringentesimo nonagesimo secundo, die XXV iulii, in festo sancti Iacobi paulo post horam quintam noctis adueniente festo sancte Anne, pie memorie Innocentius papa octauus ex hoc seculo migrauit ad Dominum ... (Finis) quid sint acturi et que ipsorum partes esse debeant (Subscriptio) Jacobus Caccia penitentiarius. (Ed. Göller, *Die päpstliche Pönitentiarie* II.2, pp. 136-37, using this MS siglum: K.)

fol. 212v-213r <**Jacobus Caccia(?), Nota de electione Alexandri VI**>

(Textus) Item anno m° cccc° lxxxxii die vi augusti. Reuerendissimi domini cardinales s.r.e. ingressi fuerunt conclauem ... (Finis) qui uocatus est Alexander VI. Et die xxx septembris accepit confirmationem in ecclesia sancti Iohannis Lateranensis. (Ed. E. Carusi, in review of Göller, *Die päpstliche Pönitentiarie* in *Archivio storico italiano*, 72 (1914) 96-101 at 98, from Vat. lat. 11497 fol. 97r.)

fol. 213r-229v **Alexander VI, <Epistolae ad poenitentarios de anno iubilei>**

(Rubrica) Breue apostolicum quod nemo recipiatur in penitentiarium nisi prius publice responderit ... idoneus repertus fuerit. (Inscriptio) Alexander papa sextus ... salutem et apostolicam benedictionem. (Textus) Attendentes, quod uos et pro tempore ... (Epistola ultima) (Rubrica) Annunciatio sacri iubilei instantis anni centesimi et declaratio, quid pro consequenda illius plenissima indulgentia a christifidelibus fieri debeat. (Inscriptio) Alexander episcopus ... ad futuram rei memoriam. (Textus) Inter curas multiplices que nobis ex apostolatus officio incumbere ... (fol. 229r) (Finis) et meritis per que eorum bona opera consequi mereantur. Amen. Nulli ergo ... Si quis ... Datum Rome apud sanctum Petrum anno incarnationis Dominice millesimo quadingentesimo nonagesimo nono, tercio decimo kal. Ianuarii pontificatus nostri anno octauo. (The four letters of this group, instructions for the penitentiaries regarding the jubilee year of 1500, are: *Attendentes quod uos* (26 August 1497) (fol. 212v-214v [Ed. Göller, *Die päpstliche Pönitentiarie* II.2, pp. 86-87, citing this MS]); *Pastoris eterni* (20 December 1499) (fol. 214v-219r [Ed. Johann Burchard, *Diarium sive rerum urbanarum commentarii*, ed. L. Thuasne, 3 vols. (Paris 1883-85) II 588-91. **Bibl.** Göller, *Die päpstliche Pönitentiarie* II.2, p. 87]); *Cum in principio* (4 March 1500) (fol. 219r-224r [Ed. Göller, *Die päpstliche Pönitentiarie* II.2, pp. 87-90, using this MS.]), and *Inter curas multiplices* (20 December 1499) (fol. 224r-229v [Ed. Burchard, op. cit. II 585-88])).)

fol. 229v-230r **Julianus de Rovere postea Julius II, Mandatum minoribus poenitentiariis** (26 mar. 1490)

(Rubrica) Sequitur mandatum reuerendissimi domini cardinalis Sancti Petri ad Vincula et maioris poenitentiarii. (Textus) Iulianus episcopus Sabinensis maior poenitentiarius etc. sancte Romane ecclesie cardinalis uobis priori et minoribus poenitentiariis in basilica sancti Petri precipimus et mandamus, quatenus sub pena medii ducati ... (Finis) et in omnibus aliis actibus in quibus consueuistis interesse alias. Datum Rome apud Sanctos Apostolos sub fide nostri sigilli die xxvi marcii millesimo quadingentesimo lxxx (*recte* lxxxx). (Colophon) Gerardus, de mandato. (Ed. Göller, *Die päpstliche Pönitentiarie* II.2 p. 39, citing this MS.)

fol. 231r-233v **Leo X, Const. Ex debito** (23 apr. 1517)

(Inscriptio) Leo episcopus ... ad perpetuam rei memoriam. (Textus) Ex debito pastoralis officii super uniuersum gregem dominicum ... (Finis) et consuetudinibus ceterisque contrariis quibuscumque. Nulli ergo ... Si quis... Datum Rome apud Sanctum Petrum anno incarnationis Dominice millesimo quingentesimo decimo septimo, nono kal. maii pontificatus nostri anno quinto. (Subscriptio) F. del Rosal. (**Bibl.** Göller, *Die päpstliche Pönitentiarie* II.2 p. 90, item 19.)

Bibl. Göller, *Die päpstliche Pönitentiarie* I. 1, pp. 72-73 for a description of the MS.

The MS is written in black ink, mostly in a single humanistic hand with chancery influences. (The last item was added by one of the annotators of the MS.) Each item begins with a few words in larger script. There are scribal corrections and sparse marginal notations in several hands, frequently including the date of the various documents. On fol. 196v-197r the mandate of cardinal Giuliano della Rovere is cancelled, with a

note added to the bottom of fol. 196v: 'Require infra fol. 229'. On fol. a^r is written 'Ex libris Francisci Peniae Rotae Decani' and '5424 Vat.' There are no visible catchwords. For the watermarks, cf. Briquet nos. 48 and 12205. The edges of the folios are gilded. The MS has a parchment binding dating from the late 19th-century. Fol. a^v, e^r-f^v, and 230a^r-b^v are blank.

Vat. lat. 5436

saec. XVI

a-c + 305 fols. + <X> (I: a-c, fol. 1-137; II: fol. 138-305 + <X>) chart. 330 (235) x 218 (126) mm, origin Italy (Rome?). Quaterniones, saec. XVI.

fol. a^r-c^r <ZZ **Catalogus Elenchus pontificum**> (Marcellus I-Calixtus II)

fol. 1r ZZ <**Pseudo->Clemens, Epistola ad Jacobum fratrem Domini**, excerptum (See Vat. lat. 3829 fol. 3r for further information.)

fol. 1r-298v <**Collectio Vaticani latini 3829**> (See Vat. lat. 3829 fol. 3v-279v for further information.)
(Bibl. Fournier-LeBras, *Histoire* II 211.)

fol. 298v <**Concilium Lateranense**> (1110), c. 1 (See Vat. lat. 3829 fol. 282r for further information.)

fol. 299r-300r <**Concilium Lateranense**> (1112), canones (See Vat. lat. 3829 fol. 282r-283r for further information.)

fol. 300r-v <**Pseudo->Leo IX, Epistola** (See Vat. lat. 3829 fol. 283r for further information.)

fol. 300v-301r **Nicolaus I (s.), Epistola ad Brenduem Bridico episcopum** (JL 2855)
(See Vat. lat. 3829 fol. 283v for further information.)

fol. 300r **Urbanus II, Epistola ad Vitalem presbyterum** (JL 5740) (See Vat. lat. 3829 fol. 283v for further information.) *Variants:*
(Inscriptio) Pruuiensi *pro* Bruuiensi, cetera *pro* alia

fol. 300r <**Concilium Romanum** (1059)> c. 5 (See Vat. lat. 3829 fol. 281r for further information.)

fol. 301v <**Pseudo-Eugenius II**>, **Decretum** (See Vat. lat. 1351 fol. 94v for further information.)

fol. 301v **Concilium Troianum** (1089) (See Vat. lat. 3829 fol. 280v for further information.)

fol. 302r **Cosmus (s.), Epistola ad Hestium** (JE 339), imperfecta (See Vat. lat. 3829 fol.

280v for further information.) *Variants:*
stipendia om. et remanet vacuum

fol. 302r-305r <**Concilium Lateranense II**> (1139) (See Vat. lat. 1340 fol. 370ra-371vb for further information.) *Variants:*
<Tabula deest.>

fol. 305v <Incertus auctor, **Epistola de materia usurae**> (See Vat. lat. 3829 fol. 287r for further information.) *Variants:*
(Inscriptio) G. *om.* (Colophon) Laus Deo optimo maximoque.

<+III>r-<+X>v <Incertus auctor>, **Genera expeditionum cancellariae Romanae** (Rubrica) Genera expeditionum factarum tempore Clementis septimi. (fol. <+IV>r) (Textus) A. Absolutiones ab homicidiis habita pace ... (Finis) uniones ad uitam.

The MS is a composite codex. Fol. a^r-c^r and 1r-305v are written in a fine Italic cursive in black ink, with initials and rubrics in red. There are occasional marginal notes in several contemporary hands, usually cross-references to Gratian's Decretum. Catchwords are at the lower right. This portion of the MS is a careful copy of Vat. lat. 3829 (q.v.), probably done for the *Correctores Romani*. The scribe omitted the short *nota de sacerdotibus* on fol. 3r, and noted (at fol. 291v-292v here) the break in the text at fol. 267v-268r of his exemplar. Fol. 298v-302r reflect the original order of Vat. lat. 3829, before the penultimate quire of that MS was rearranged.

The unnumbered folios at the end, also in black ink, are in a 16th-century secretarial cursive. Apart from large calligraphic letters dividing the alphabetical sections, there is no decoration. For the watermarks, cf. Briquet no. 5926, very difficult to see. The MS was bound in two volumes (a-137 and 138-x) in parchment, late in the 19th-century. Fol. c^v, <+II>r-v, and <+III>v are blank.

Vat. lat. 5437

saec. XV (1465-1468)

Scr. Buscherus de Mera de Zeelandia (fol. 191ra-241rb).
324 fols. + 1a - (242-248) chart. (memb.. fol. 1 et 324) 332 (208) x 230 (138) mm, origin Italy (Rome). Quiniones, saec. XV (1465-1468).

fol. 1a^{ra}-123va <**Pseudo->Thomas Aquinas O.P., Tractatus fidei contra diversos errores super titulum de summa Trinitate et fide catholica** (X 1.1.1) (Rubrica) <I>ncipit tractatus fidei contra diuersos errores super titulum de summa Trinitate et fide catholica in decretalibus editus per gloriosum sanctum Thomam de Aquino. (Praefatio) <Q>uoniam fides est totius spiritualis edificii fundamentum ... (Rubrica textus) Quid est Trinitas. (Textus) <T>rinitas est trium unitas. Unitas autem trium est essentia trium ... (Finis) Ad idem Mat. x.d (v.22) et xxiii.b (v.13), Lu. ix.g. (v.23), Apoc. ii.i (v.4), prima Thi. v.b. (v.12). (Colophon) Laus Deo etc. (An anonymous copy in Munich Clm 12311 is listed in Hauréau V 138.)

fol. 131ra-181rb **Nicolaus de Crucibus, Tractatus de rebus ecclesiasticis**

(Rubrica) Tractatus rerum ecclesiasticarum editus a clarissimo decretorum doctore d. Nicolao a Crucibus Dei et apostolice sedis gratia episcopo Farrense (sic; leg. Pharensi) necnon s. D. nostri pape Pauli ii referendario dignissimo feliciter incipit. Primo de quibus peccatis requiratur penitentia. (Textus) <P>rimo queritur utrum requiratur penitentia ante baptismum ... (Finis) expressa mentio habeatur in c. Quia periculosum de sententia excommunicationis in vi° (Sext. 5.11.4).

fol. 191ra-230rb <**Bernardinus Senensis O.F.M. (s.), Tractatus de restitutionibus**> (See Vat. lat. 7667 fol. 92va-142va for further information.) *Variants:* <Rubricae desunt.> (Textus) enim om. (Colophon) Scriptum et finitum per me Buscherum de Mera nec non de Zeelandia die i octobris 1465.

fol. 230va-233va <Incertus auctor, **Sermo**> (Textus) <C>apitulum euangelii, quod lectum est, fratres dilectissimi, purum oculum cordis inquit ... (Finis) ut impleamini in omnem plenitudinem Dei.

fol. 234ra-237ra <**Lucius Annaeus Seneca, De tranquillitate animi**, epitome> (Textus) <I>n me Serene quedam uitia apparent in aperto posita ... (Finis) que ad solutaria (sic) mitigatibus effectibus uenit. (**Bibl.** Cf. *L. Annaei Senecae dialogorum libri duodecim*, ed. L.D. Reynolds (Oxonii 1977) 207-38.)

fol. 237ra-238vb **Lucius Annaeus Seneca, De beneficiis**, <epitome> (Rubrica *marg.*) Incipit liber Senece de beneficiis. (Textus) <I>nter multos et uarios errores temere inconsulteque uiuentium optime Lucilli ... (Finis) quam ZZ pudere benefactorem beneficii uiolati. (**Bibl.** This MS is not listed in G. Mazzoli, 'Ricerche sulla tradizione medievale del *De beneficiis* e del *De clementia* di Seneca III - Storia della tradizione manoscritta', *Bollettino dei classici* ser. 3,3 (1982) 165-223.)

fol. 238vb-241rb <**Pseudo->Seneca, Proverbia**> (Rubrica *marg.*) Prouerbia Senece. (Textus) <A>lienum est omne (*om. cod.*) quidquid optando euenit ... (Finis) Celari autem hominibus uiciosum est. (Colophon) Completum die 12° octobris 1465. (**Ed.** *Publili Syri mimi sententiae*, ed. O. Friederich (Berolini 1880) 27-60 line 10 matches this collection from fol. 238vb to 240rb 'Negandi tamen auaro numquam deficit.' Thereafter the collections diverse, the MS following the edition, pp. 274-82. This is one of the *deteriores* listed by F. Giancotti, *Ricerche sulla tradizione manoscritta delle sentenze di Publilio Siro* (Biblioteca di cultura contemporanea 79, Messina 1963) 125.)

fol. 249ra-320va **Johannes Calderinus, <Concordantiae Bibliae ad ius canonicum>** (See Vat. lat. 2666 fol. 199ra-260vb for further information.) *Variants:* (Rubrica) Tabula Io. Cal. auctoritatum sententiarum biblie inductarum in compilationibus decretorum et decretalium. (Textus) Aaron om.; summum pro sumum (Finis) etc. *add.* (Colophon) τελοδ. Explicit tabula auctoritum (sic) sancte

tentiarum (*sic*) inductarum in compillationibus decretarum et decretalium
quotatarum domini Iohannis Calderini decretorum doctoris etc.

fol. 321ra <**Oratio ad s. Mariam virginem**>
(Dated 'Romae anno 1468.').

Bibl. *Colophons*, ed. Bénédictins de Bouveret I 301 no. 2399 for Buscherus de Mera.

This MS is written in four cursive bookhands: fol. 1a^r-50va, 131ra-181rb; fol. 50va-123va; fol. 191ra-241rb (Buscherus de Mera), fol. 249ra-320va. All used black ink. Notes in other hands appear on fol. 1r-v, 93rb, 130v, 181v, 320va, 324r-v. Some are in the hand of the prayer on fol. 321r. One has added after the colophon at fol. 320va 'Anno Domini millesimo quingente quadragesimo'. The numeration error skipping from fol. 241 to 249 is noted at the top of fol. 249r. Blank spaces have been left for capitals. Rubrics and paragraph signs are red. Catchwords are perpendicular to the text at lower right and framed by the first two hands. They are framed at lower right by the third, and framed and centered by the fourth. For the watermarks, cf. Briquet nos. 6271 and 2472. The MS has a 19th-century parchment binding. Fol. 124r-130r, 182r-190v, and 321v-323v are blank.

Vat. lat. 5582

saec. XV

Prov. Angelus Tomai.

501 fols. + 310a memb. et chart. 298 (209) x 204 (138) mm, origin France (?). Bifolia,
saec. XV.

fol. 1ra-501vb **Egidius de Bellamera, De regulis iuris** (Pars I: Sext. 5.13.1-42),
imperfectum
(fol. 1r) (Rubrica *al. man.*) D. Egidii Bellamerae. (fol. 1ra) De regulis iuris rubrica
libro sexto. (Praefatio) <C>irca rubricam istam moueo duodecem questiones.
Prima est questio qualiter constituetur rubrica ... (fol. 1va) (Lemma primum)
eneficium ... : Aduerto quia ista regula et (et *sic*) sequentes adeo sunt breues
... (fol. 493rb) (Lemma ultimum) *Accessorium* (Finis) in illo qui tenebatur
disputare et tradere si per priuilegium ///

Bibl. Gilles, 'Gilles Bellemère' 388 and n. 2, 398-400 and n. 4.

The MS lacks a gathering beginning 'eximebatur' after fol. 501vb. An addition, similar to those already in the text, was made at fol. 190va *marg.* This MS is the first volume of a two-part set of which the second volume is Vat. lat. 5583. The text is in several gothic cursive bookhands in black ink. Some rubrics and the capitals, when they are present, have red decoration. Paragraph signs are red. The 'R' at fol. 145ra was filled in, with an accompanying drawing, by a later hand, perhaps the same which signed 'Angeli Tomai' at fol. 501vb. The quires are constructed of 10 bifolia with parchment leaves on the outside and at the sewing, the rest of the leaves being paper. For the watermarks, cf. Briquet nos. 14306 and 771. Catchwords are centered except at fol. 20v, where the catchword is at lower right. The MS has a 19th-century leather binding incorporating the 17th-century one.

Vat. lat. 5583

saec. XV

Prov. Angelus Tomai (?).

485 fols. + 150a, 198a, 390a memb. et chart. 295 (211) x 210 (145) mm, origin France
Bifolia, saec. XV.

fol. 1ra-356va <**Egidius de Bellamera, De regulis iuris**> (Pars II: Sext. 5.13.43-88)
(Lemma primum) *Qui tacet consentire uidetur*: Pone casum liiii di. Si seruus
(D.54 c.20). ... (fol. 341ra) (Lemma ultimum) *Datum Rome* ... (Finis) que cause
autem dicantur bone uel male satis fuit superius declaratum. (Epilogus) Completo
igitur opere decretalium sexti libri clementinarum et presencium regularum ...
cuius inclusio incepit circa x diem mensis septembris dicti anni nonagesimi
octaui.

fol. 357ra-485vb <**Egidius de Bellamera, De regulis iuris, additiones**>
ZZ (Rubrica *marg.*) Additiones quedam facte secundum quendam ad lecturam
principalem tituli de regulis iuris /// proxime parte (*sic*) decreti secundum
quotaciones infrascriptas. Super regula Beneficium. (Rubrica textus) Folio primo
columpna iii. § Nunc autem linea v in principio post uerbum 'Herenius'. (Textus)
Dicit quidam quod iura ista et c. Consultacionibus de iure patro (X 3.38.19) ...
(Lemma ultimum) *Quod quis mandato*. ... (Finis) que allegat facit c. In presencia
de renunciationibus (X 1.9.6) etc. (Colophon) Scriptor qui scripsit cum Christo
uiuere possit. Amen. [signum scriptoris].

Bibl. Gilles, 'Gilles Bellemère' 388 n. 2 400 n. 4.

This MS is the second part of a set, the first part of which is Vat. lat. 5582. They share the same type of
script, the same decoration, construction and binding. The catchwords here, however, are at lower right.
Fol. 288v is blank except for 'nihil deficit'.

Vat. lat. 5592

saec. XVIex.

Prov. Rome, Castel Sant' Angelo.

<XIII> + 459 fols. + 300b chart. 314 (244) x 220 (153) mm, origin Italy (Rome?).

Quiniones, saec. XVIex.

<III>r-<XII>v <Tabula materiae>

fol. 1r-459v <**Concilium Ephesinum**>

(Rubrica) Actorum tertiae synodi liber primus. Caput primum. (Epistolae
praeliminares) (Inscriptio) Cyrillus presbyteris, diaconis ... dilectis, ac
desideratissimis in Domino salutem. (Epistola prima) Quidam qui aetatem una
uobiscum agunt, de more +m (*sic*) Alexandriam uenerunt ... (fol. 150r) (Acta)
(Rubrica) Caput xxvi. (Textus) Post consulatum dominorum nostrorum semper
augustorum Flauii quidem Theodosii decimum tertium, Valentiniani ?
(Valentianiu^{ac}) uero tertium decimo kalendas iunias synodo ex pientissimorum
Christianissimorumque regum nostrorum edicto in Ephesiorum metropoli
congregata ... (Finis) Saluta que tecum est fraternitatem: que mecum est te salutat.
Opto te in Domino ualere. Finis.

Ed. and Bibl. See Vat. lat. 1319 fol. 1ra-91vb. The text does not agree with any of the various traditions edited by Mansi and Schwartz. It ends with the letter from Cyril to Valerianus episcopus (cf. Mansi 5.354-71).

The MS is written in multiple 16th-century cursive hands. In several places the black ink has eaten through the paper. <I>r has, an elaborate title: 'Translatio primi Ephesini concilii ex originali latino apud Ill. et Re^{mum} D. Othonem episcopum Albanensem Sanctae Romanae Ecclesiae Cardinalem Augustanum uulgariter nuncupatum asserentem se illud habuisse ab Ex^{mo} moderno Duce Bauierae (*sic*) reperto fideliter extracta, et curiose collationata. Lege faeliciter.' Otto Truchsess von Waldburg was cardinal bishop of Albano 1562-70. <I>r also has an ex libris 'di Castello'. for Castel Sant' Angelo. For the watermarks, cf. Briquet no. 7629. The MS has an old parchment binding, perhaps the original. <I>v-<III>v, <XII>r-v, fol. 197, 240, 339, 363-365, 382-383, and 402-403 are blank.

Vat. lat. 5593

saec. XVI

Prov. Rome, Castel Sant' Angelo.

<VII> + 220 fols. chart. 315 (257) x 216 (138) mm, origin Italy (Rome). Quiniones, saec. XVI.

fol. 1r-220v <**Concilium Constantinopolitanum IV (869)**> (See Vat. lat. 1332 fol. 1r-177r for further information.) *Variants:*

Causa *pro* Cause; synodi Constantinopolitanae *pro* synodi; deprompta *pro* deprompta <Rubrica textus deest.> (Invocatio) Amen *add.* <Colophon deest.>

Bibl. C. Leonardi, 'Anastasio Bibliotecario e l'ottavo concilio ecumenico', *Studi medievali* ser. 3, 8.1 (1967) 59-192 at 147-48 for a description of the MS and additional bibliography.

The MS was written in black ink by three scribes, all using 16th-century cursive scripts. The hands divide: 1 (fol. 1r-18r, 40r-50r, 63r-80r, 123, 150r-174v), 2 (fol. 18r-38v, 50v-61r, 81r-122v, 145r-149v), 3 (fol. 124r-144v, 175r-220v). Copyists 1 and 3 also seem to have worked on Vat. lat. 6813, cf. Leonardi. The scribes have followed the error of Vat. lat. 1332, misplacing part of Actio X. The misplaced text is on fol. 145r-148r, the resulting lacuna on fol. 217r. The penultimate and antepenultimate letters are reversed from the edition (Mansi 16.1-208). The MS is undecorated. On <VII>r is a note on the exemplar: 'Translatio octaue synodi Constantinopolitanae. Ex originali latino quod Romae in bibliotheca Vaticana in ultima illius aula sub armario seu pluteo (ut uocabulo intitulationis armariorum dictae bibliothecae utar) secundo asseruatur, fideliter extracta, et ad amussim auscultata et collationata'. At <VII>v is an historical note on the eighth general synod. <I>r has the ex libris 'Di Castello'. For the watermarks, cf. Briquet no. 7629. The MS is in an old parchment binding. <I>v-<VI>v, fol. 39r-v, and 61v-62v are blank.

Vat. lat. 5595

saec. XV.2

Prov. Castel Sant' Angelo.

<I> +530 fols. + 200a + 278a chart. 282 (200) x 211 (142) mm, origin Italy, saec. XV.2.

fol. 1r-8v, 27v-58v, 61r-76v, 96r-98r, 103v-107r, 109r-110r, 170v-175r, 189r-237v, 256r-258v <**Auctores varii, Opera polemica**>: Antonius de Butrio, Consilium de

schismate (fol. 38r-42v [**Ed.** Paulus Castrensis, *Consilia* I fol. 214ra-215ra, lacking the texts between 214va 'intentio' and 214vb 'ad hoc astringuntur']); Antonius Luschus, De modo tenendi per concilium ad Petrum de Candia (fol. 104r-105r); Bartholomaeus de Saliceto, Consilium de schismate (fol. 45r-v [**Ed.** Vincke, *Schriftstücke* 30-32 no. 3. using this MS]); Bononiensis Universitas, Conclusiones de schismate (fol. 46r-47v) [**Ed.** Mansi 27.219-21, 221 n. a, 221-22, 222 n. b.]); Franciscus Zabarella, Tractatus de schismate, fragmentum (fol. 103v [**Ed.** Franciscus Zabarella, *Consilia*, Venetiis 1581, fol. 153vb-156va). This is the beginning of the second version of the tract; for a copy of the third, see Vat. lat. 2254 fol. 212rb-219vb]); Johannes de Bellantibus de Senis, Consilium de schismate (fol. 48r-58v); Marcus de Canetulo, Orationes duae (fol. 256r-258v [**Bibl.** G. Alidosi, *Li dottori bolognesi* (Bologna 1620) 169]); Matthaeus de Mathesillanis, Consilium de schismate cum subscriptione Johannis de Cannetulo (fol. 35r-37v [**Ed.** Paulus Castrensis, *Consilia* I fol. 215ra- va]); Nicolaus de Bittonio, O.F.M., Tractatus de schismate (fol. 1r-8v [**Bibl.** Vincke, 'Magister Theologiae' 178-206]); Parisiensis Universitas, Consilium de schismate (fol. 61r-v, 74v-76v); Paulus de Castro, Consilium de schismate (fol. 28v-31v [**Ed.** Vincke, *Schriftstücke* 29-32 no. 2, using this MS]); Paulus Castrensis, *Consilia* I fol. 213rb-214ra]); Petrus de Alliaco et Johannes Gerson, Epistola ad Gregorium XII (fol. 61v-62r [Genoa, 15 sept., **Ed.** and **Bibl.** Jean Gerson, *Oeuvres complètes* II xvi no. 22 and 84-86 no. 22]); Petrus de Alliaco, Decem considerationes circa concordatum Massiliae (fol. 62r-63v [**Bibl.** Glorieux, 'L'oeuvre d'Ailly' 73]); Petrus de Ancharano, Consilia de schismate (fol. 43r-44v [**Ed.** Petrus de Ancharano, *Consilia* fol. 24vb-25rb], fol. 170v-175r [**Ed.** Ed. cit. fol. 115vb-117rb], fol. 189r-192r [**Ed.** Vincke, *Schriftstücke* 112-18 no. 18, not using this MS], fol. 192r-193v [**Ed.** Ed. cit. 119-21 no. 19, not using this MS], fol. 193v-211v); Petrus de Candia, postea Alexander V, Responsio Antonio Luscho (fol. 109r-110r); Robertus de Francola, Tractatus de schismate, imperfectus (fol. 211v-237v); Incerti auctores, Consilia de schismate (fol. 27v-28r [**Ed.** Vincke, *Schriftstücke* 32-34 no. 4, using this MS]); Quaestio super opinione episcopi Ragusini (fol. 64r-74v). De modis tenendi per dominum Gregorium XII (fol. 96r-98r [**Ed.** Vincke. *Schriftstücke* 142-46 no. 24, using this MS]); Considerationes de schismate, imperfectae (fol. 105r-106r [**Ed.** Vincke, *Schriftstücke* 134-41 no. 22 to 137, using this MS]), Epistola officialium curiae Romanae (fol. 106r-107r).

fol. 9r-27r, 77r-96r, 99r-103r, 110r-138r, 140r-170v, 175r-176v, 237v-138v <**Auctores varii, Acta de schismate**>: Benedictus XIII, Epistolae (fol. 25r-26v [**Ed.** Mansi 26.1014-16], fol. 89v-90r [Portovenere, 13 iun.; **Ed.** Mansi 26.1016-18], fol. 90r-v [**Ed.** Mansi 26.1016], fol. 100v-103r [Portovenere, 16 iun. **Ed.** Mansi 26.1103-09], fol. 103r [15 iul.; **Ed.** Mansi 26.1110-11], fol. 127v-130r [13 nov., **Ed.** Mansi 26.1180-84]) cum epistola cardinalium eiusdem (fol. 130r-v [1408; **Ed.** Mansi 26.1184]); Carolus VI rex Franciae, Epistolae (fol. 81r [Paris, 12 ian. 1407], fol. 81r-82v [Paris, 12 ian. 1407], fol. 82v-83r [Paris. 12 ian. 1407], fol. 90v-91v [Paris, 22 maii 1408]); Collegium Avinionense cardinalium, Epistolae (fol. 24v-25r (Villeneuve d'Avignon, 16 iul.), fol. 110r-113v [**Ed.** Mansi 26.1161-67], *rep.* fol. 153r-156r, fol. 124v-127r [Pisa, 24 sept. 1408, **Ed.** Mansi 26.1175-79]);

Cedula in conclavi post mortem Clementis VII (fol. 95v [**Ed.** Souchon, *Papstwahlen* I 298-,99]); Collegium cardinalium, Epistolae (fol. 130v-133v (Livorno; **Ed.** Mansi 26.1167-75], fol. 118r-120v), Capitula in conclavi post mortem Bonifacii IX (fol. 169r-170v [24 oct. 1404; **Ed.** Souchon, *Papstwahlen* I 280-84]), Capitula in conclavi post mortem Innocentii VII (fol. 9r-11v [**Ed.** Souchon, *Papstwahlen* I 287-92]); Collegium unitum cardinalium, Epistolae (fol. 83v-86v [Pisa, 13 maii 1408], fol. 88r-89v, 94r-95r 1 iul. 1408; **Ed.** Mansi 27.46-49], fol. 130v-133v [25 ian. 1409; **Ed.** Mansi 27.207-12], fol. 156r-157v [Livorno]), Responsio oratoribus Venetorum et Florentinorum (fol. 149r-152v (**Ed.** Martène et Durand, *Thesaurus* II 1411-19]), Declaratio facta marchioni Montis Ferrati (fol. 99r-100r), Responsio Malatestae de Pensauero (fol. 159r-162r [**Ed.** Mansi 27.239-45 no. 17]); Concilium Perpinianum (1408), Cedula (fol. 137v-138r); Florentina communis, Epistolae (fol. 148r-v [Florence, 28 feb. 1409; **Ed.** Mansi 27.434-35], fol. 175r-176v [Florence, 28 feb. 1409; **Ed.** Mansi 27.430-33]), Salvusconductus (fol. 133v-134v [Florence, **Ed.** Mansi 27.203-04]); Gregorius XII, Epistolae (fol. 11v-13r [**Ed.** Mansi 26.1013-14], fol. 27r [**Ed.** Martène et Durand, *Veterum scriptorum ...* VII 754-55], fol. 87r-88r [Lucca, 16 mai.], fol. 92r-v [Lucca, 16 mai.], fol. 121r-124v, 140r-146v [19 ian.; **Ed.** Mansi 27.7-73]), Appellatio (fol. 92v-93v [Lucca, 1408]), Mandatum (fol. 83r), Responsio oratoribus Benedicti XIII (fol. 79r-80v); Henricus IV rex Angliae, Epistola (fol. 134v-136v [Westminster, 12 nov. **Ed.** Mansi 27.108-10]); Hermanus comes Ciliae, Epistola (fol. 92r [vi iun.]); Ianuensis communis, Instrumenta diplomatica de concordato Massiliae (fol. 13r-24v [**Ed.** Baronius. *Annales an.* 1407 § 4 (ed. Theiner 27.164-66), partial edition]); Johannes de Soleria, abbas s. Justinae, Epistola (fol. 136r-137v [Marano, 5 feb. 1409]); Johannes Dominici O.P., Epistola (fol. 147r-v [Siena, 10 oct.]); Ludovicus de Barro, Epistola (fol. 168r-v); Oratores Benedicti XIII, Oblatio (fol. 77r-v [**Ed.** Vincke, *Schriftstücke* 70-72 no. 10, not using this MS]), Responsio ad oblationem Venetorum (fol. 78r-79r); Oratores Caroli VI, Oblatio (fol. 158r-v) cum responsione cardinalium (fol. 158v); Oratores Gregorii XII, Oblatio (fol. 158v (Portovenere)); Oratores Sigismundi regis Hungariae atque Venetorum, Oblatio cum responsionibus cardinalium (fol. 162r-166v [**Ed.** Vincke, *Schriftstücke* 155-61 no. 27, using this MS]); Oratores Venetorum, Oblatio (fol. 78r), Rupertus rex Romanorum, Constitutio procuratorum (fol. 137v-238v [**Ed.** *Deutsche Reichstagsakten unter König Ruprecht III.*, ed. J. Weizsäcker (Deutsche Reichstagsakten VI; Gotha 1888) 489, 491]); Wenceslaus rex Bohemiae, Epistola (fol. 157v-158r [Prague, 19 iul.]); Incerti auctores, Deliberationes pro regimine ecclesiae tempore subtractionis obedientiae Parisiis factae (fol. 95v-96r), Requisitio facta Antonio de Calvis (fol. 167r-168r).

fol. 179r-185v <**Pseudo-Isidorus, Decretales**, excerpta> (See Vat. lat. 3477 fol. 237r-244vb for further information.) *Variants:*
(Rubrica) Anthonii pro Antimi

fol. 186r-187r **Concilium Pisanum** (1135) (See Vat. lat. 3477 fol. 245r-246v for further information.) *Variants:*

<Rubrica deest.> (**Bibl.** D. Girgensohn, 'Das Pisaner Konzil von 1135 in der Überlieferung des Pisaner Konzils von 1409', *Festschrift für Hermann Heimpel* (Göttingen 1972) 1063-110 at 1067-68, referring to this MS as siglum R' but not using it for the edition.)

fol. 239r-253r <Incertus auctor, **Nomina participantium in concilio Pisano**> (1409)
(**Ed.** G. di S. Teresa, 'Un nuovo elenco dei partecipanti al concilio di Pisa del 1409', *Ephemerides carmelitanae* 16 (1965) 384-411 at 391-411.)

fol. 258v-263r **Alexander V, Const.** *Rerum omnium summi*
(**Ed.** Mansi 27.83-90.)

fol. 263r-v **Alexander V, Const.** *Hodie sententiam* (See Vat. lat. 3477 fol. 317r-v for further information.)

fol. 263v-265r **Concilium Pisanum (1409), Constitutiones** (See Vat. lat. 3477 fol. 318r-320r for further information.) *Variants:*
(Rubrica) consilio *pro* concilio Pisano.

fol. 265r-268v **Alexander V, <Constitutiones>** (See Vat. lat. 3477 fol. 320r-324r for further information.)

fol. 268v-271r **Rupertus rex Romanorum, Const.** *Super lamentabile*
[(**Ed.** *Deutsche Reichstagsakten unter König Ruprecht III.* ed. J. Weizsäcker) (Deutsche Reichstagsakten VI; Gotha 1888) 479-85.)

fol. 272r-278v, 402r-410v, 441r-444r, 445r, 460r-482r, 511r-530r <**Auctores varii, Acta de**

schismate>: Antonius de Cajetanis, Epistola ad Carolum de Malatestis (fol. 481r-482r [Pisa, 26 nov. 1408: **Ed.** D. Girgensohn, 'Kardinal Antonio Caetani und Gregor XII. in den Jahren 1406-1408: vom Papstmacher zum Papstgegner', QF 64 (1984) 116-226 at 211-26, using this MS (siglum Ua)]); Benedictus XIII, Epistola ad cardinales qui ei se substraxerunt (fol. 441r-443v [**Ed.** Mansi 26.1180-84; cf. fol. 127v-130r]); Collegium Avinionense cardinalium, Epistola ad cardinales qui Benedicti XIII se substraxerunt (fol. 444r); Concilium Constantiense, Articuli contra Petrum de Luna (Benedictum XIII), fragmenta (fol. 511r-530r [**Ed.** *Magnum oecumenicum Constantiense concilium* ed. H. von der Hardt, 6 vols. in 4 (Francofurti et Lipsiae 1697-1700) IV 1231-71]), Elenchus imperfectus eorum qui interfuerunt concilio Perpignani Benedicti XIII (fol. 445r [**Bibl.** F. Ehrle, 'Aus den Akten des Afterconcils von Perpignan 1408', *Archiv für Literatur- und Kirchengeschichte des Mittelalters* 7 (1900; anast. repr. 1956) 576-694 at 654, 669-86]); Guido de Malosicco, Sermo factus in synodo Cameracensi (1383) (fol. 402r-410v [**Ed.** C.J. Hefele et H. Leclercq, *Histoire des conciles*, 11 vols. in 22 (Paris 1907-1952) 6.2 pp. 1490-1509]); Johannes I, rex Aragonum, Declaratio (fol. 276v-277v [24 feb. 1387, **Ed.** E. Baluze, *Vitae paparum Avinionensium*, ed. G. Mollat. 4 vols. (Paris 1914-1927) IV 302-04]); Johannes I, rex Castellae,

Declaratio (fol. 272r-276r [19 mai 1381, **Ed.** Baluze, *Vitae* IV 250-56]); Parisiensis Universitas, Declaratio (fol. 278r-v (3 feb. 1383; **Ed.** Baluze, *Vitae* IV 268-69)); Petrus de Ancharano, Responsio ad dubia proposita contra Concilium Pisanum per episcopum Verdensensem (fol. 462r-480r [**Ed.** *Deutsche Reichstagsakten unter König Ruprecht III.*, ed. J. Weizsäcker (Deutsche Reichstagsakten VI; Gotha 1888) 521-57]); Ulricus de Albeck, ep. Verdensis, Dubia allegata contra Concilium Pisanum (fol. 460r-462r [**Ed.** *Deutsche Reichstagsakten unter König Ruprecht III.*, ed. J. Weizsäcker (*Deutsche Reichstagsakten* VI. Gotha 1888) 496-503]).

fol. 278b^r-332v, 390r-399v, 412r-439v, 447r-456r, 482v-504v, 506r-510v <**Auctores varii, Opera polemica**>: Baldus de Ubaldis, Consilium super electione Urbani VI, imperfectum (fol. 390r-397r (**Ed.** Baldus, *Opera* VII fol. 118ra-119va, then Baronius, *Annales* an. 1378 §§ 36-37 (ed. Theiner 26.304a-305b); **Bibl.** M. Seidlmayer, *Die Anfänge des grossen abendländischen Schismas* (Münster in W. 1940) 128-31; W. Ullmann, *The Origins of the Great Schism* (London 1948) 143-60]); Cataldinus de Boncompagnis, Tractatus de potestate Concilii Pisani, imperfectum in prin. (fol. 412r-439v (**Ed.** Mansi 27.450-88)); Johannes Dominici, O.P., Consilia pro Gregorio XII cum responsibus Jordani Ursini (fol. 447r-456r, 482v-504v [**Ed.** Vincke, *Schriftstücke* 40-55, 75-88, nos. 6, 7, 13, and 14, using this MS]); Petrus de Ancharano, Tractatus super schismate, fragmentum (fol. 506r-510v (**Bibl.** Souchon, *Papstwahlen* II 242-46)); Petrus de Barreria, Tractatus factus in favorem electionis Clementis VII (fol. 313v-332v [**Ed.** C.E. Du Boulay, *Historia universitatis Parisiensis*, 4 vols. (Paris 1665-1673) IV 529-55, **Bibl.** Seidlmayer, *Die Anfänge ...* 145-47]); Petrus Flandrinus, Tractatus de schismate, imperfectus in prin. (fol. 278b^r-313v [**Ed.** F. Bliemetzrieder, *Literarische Polemik zu Beginn des grossen Abendländischen Schismas* (Wien 1910) 3-71, 37*-58*]); Petrus de Luna (Benedictus XIII) (fol. 336r kein Anfang), Tractatus de principali schismate, fragmentum (fol. 397r-399v [**Bibl.** F. Ehrle, 'Aus den Akten des Afterconcils ...' at 654 and 669-86; Seidlmayer, *Die Anfänge ...* 150-55]).

ZZ fol. 333r-387v, 399v-401v <**Auctores varii, Quaestiones disputatae super schismate coram concilio regis Castellae**>: ZZ Bonifacius de Amanatis (fol. 345v-365r); Egidius Sancii Muniones (fol. 336r-345v); Everadus de Tremaugon (fol. 365r-373r); Johannes de Aramone (Johannes Rolandi, ep. Ambianensis?) (fol. 378r-383v); Petrus custos Lugdunensis (de Tureyo?) (fol. 373v-378r); Petrus de Luna (fol. 334v-336r); Incertus auctor (fol. 399v-401v). (**Bibl.** Seidlmayer, *Die Anfänge ...* 52 ff. on the disputations held at Medina del Campo in 1381. The text of the *quaestiones* is preceded by a list of the topics on fol. 333r-334r.)

Cat. Kristeller, *Iter* II 334. **Bibl.** Miethke, 'Schriften des Juan González' 284 n. 28.

The MS is composite in nature, written in multiple hands (mostly Italic cursive) in brown ink. Initials are in ink, occasionally decorated; they are sometimes missing. e.g. on fol. 412-439. Rubrics and paragraph signs are in ink except on fol. 506-510, where they are red.

Fol. 1-271 are similar in contents and order to Vat. lat. 3477 fol. 1-327 (q.v.) they would appear to derive

from a common source. Vat. lat. 5595 lacks the satirical pieces of Vat. lat. 3477 fol. 142r-146r and 149r. It has only the beginning of the *consilium* by Franciscus Zabarella (fol. 103v) which is complete in Vat. lat. 3477; a scribal note explains, 'Dimisi quia dominus meus reuerendissimus habet ista consillia in libro rubeo'. A *consilium* of Antonius de Butrio which is defective in Vat. lat. 3477 is complete in this MS (fol. 38r-42v). A note at the top of fol. 179r indicates that the exemplar of the Pseudo-Isidore text was defective, 'deficit principium in originale'. The notations at the beginning of the quires in this section of the MS match those in Vat. lat. 3477 although the quires themselves do not correspond as textual units.

Fol. 272-530 contain a second collection of materials related to the Schism. Fol. 333-387 were apparently once a separate unit, the list of *quaestiones* on fol. 333r-334r is keyed to an older foliation system peculiar to this section. Fol. 278 is badly mutilated, retaining only its inner corners with fragments of text (the two fragments are labelled 278a and 278b). Fol. 511-530 are also severely damaged, with only triangles of text in the upper inside corners remaining. The last readable words are on fol. 529v, fol. 530r contains only a tiny scrap pasted to a larger sheet. The quires of this section have markings similar in type to those of the first part of the MS.

In the upper right corner of fol. 1r is the note 'de Castello', suggesting that the MS may have come from Castel Sant' Angelo. At the bottom of fol. 1r are the shelfmark and two scraps of paper pasted into the lower margin containing the notes 'Concilium Pisanum' and condiciones perplex latis nam stipulationes collate in arbitrium abitas(?). Fol. 139r is blank except for the words 'dominus Alfonsus'. Catchwords are centered or at the lower right. Marginal notes appear in several hands. The quire structure is very irregular; quaternions, quinions, and senions are the major types of gatherings. For the watermarks, cf. Briquet nos. 4778, 13874, 2469, 771, 1388, 13883, 7918, and 6443. The MS has a 19th-century parchment binding. Fol. 59r-60v, 98v, 107v-108v, 138v, 139v, 177r-178v, 187v-188v, 253v-255v, 271v, 388r-389v, 411r-v, 440r-v, 444v, 445v-446v, 456v-459v, 480v, 505r-v. and 530v are blank.

Vat. lat. 5597

saec. XV.2

Prov. Rome, Castel Sant' Angelo; Bulgarinus sacrista.

VII + 162 fols. + <I> chart. (memb.: fol. 163) 326 (223) x 220 (146) mm, Quiniones, saec. XV.2.

IIIr-VIIr <Tabula actorum concilii Constantiensis>

fol. 1r-160v **Concilium Constantiense (1414-1418), Acta** (Sessiones I-XXI), imperfecta (See Vat. lat. 4174 fol. 1r-166r for further information.) *Variants:*

(Finis) quo ad regna Iherusalem et Sicilie cum idem dominus /// (**Ed.** Mansi 27.531-929. The MS contains the text found in Vat. lat. 4174 plus half a page of the general session on September 16, 1416, which follows in Mansi 27 at 929.)

Cat. Kristeller, *Iter* II 334. **Bibl.** Finke, *Acta concilii Constantiensis* IV xxiii.

The MS is in two humanistic cursive bookhands in black ink: fol. 1r-157r; fol. 157v-160v. In some places blank spaces have been left for capitals. The ex-libris 'Di Castello' appears on Ir, that of 'Bulgarinus sachresto' at IIr. Fol. 162r-v is a parchment insert with drafts of documents by Pedro Luis de Santangel. Ir and fol. 163v have illegible notes; the latter also has the title 'Acta Concilii Constancien.' Yellow protective paper has been placed over most of the rubrics. I-VII were originally designated A-G. Catchwords are vertical at the lower right. For the watermarks, cf. Briquet no. 13873. The MS has a 19th-century parchment binding. Fol. 161v is blank except for the words 'nescio qua natales'. Iv, IIv, VIIv, fol. 161r and fol. 163r are blank.

Prov. Rome, Castel Sant' Angelo; Macario di Monte Franco.

<II> + 263 fols. + 224a-d + <II> chart. 240 (174) x 250 (180) mm, origin Italy (Rome?).
Quaterniones, saec. XVI.

fol. 1r <**Nomina pontificum**> (Innocentius I - Vigilius)

fol. 2v-r **Nicolaus III, Epistola ad <Philippum> regem Franciae** (Po. 21400)

(Rubrica) Epistola Nicolai tertii papae. (Rubrica secunda *marg.*) [De contumelia regis] De falso crimine regi temere obiecto a capellano papae. (Inscriptio)
Nicolaus episcopus etc. Carissimo in Christo filio regi Franciae illustri salutem et apostolicam benedictionem. (Textus) Amaritudinem grauem quam sicut dilecti filii magistri (magistro^{ac}) St[h]ephanus decanus ... (Finis) et integritati famae tuae plenius consulatur. Dat. Viterbii xi. kl. septembris (pontificatus nostri anno primo add.cod.). (Ed. Martène et Durand, *Veterum scriptorum ... collectio* II 1276-78. The edition differs substantially in the inscription. The marginal rubric is by the annotator of the volume.)

fol. 3r <**Notae de patriarchis Constantinopolitanis et Alexandrinis**>

(Irregularly written on the page by the main annotator of the volume.)

fol. 4r <Tabula quarundam epistolarum>

(The entries chosen for the table often have a folio number appended.)

fol. 5r-10r, 11r-224v, 225r-256v <**Collectio Avellana**> (See Vat. lat. 3787 for further information.) *Variants:*

(Inscriptio) Dilectissimo filio Hieronymo presbytero Innocencius. (Textus)
Nunquam boni aliquid contentionem fecisse in ecclesia (*ed.* p. 96) ... (Finis) cum iste talem non admittit, nec postulat curam. Et alia manu. Deus uos incolumes custodiat fratres karissimi. Dat. kl. feb. post cons. Theodosii Aug. et Iunii Quarti Palladii u.c. (post ... u.c. om. cod.; *ed.* p. 9b). (Ed. *Avellana*, ed. Günther, using this MS (siglum p). The order of letters here is rearranged from the usual. The MS starts with letters 42-44, followed by letters 41 (incomplete), 45-50, 51-72, 94-243, the beginning of 244, 84-93, 1-2, and 30-41 (the last complete). **Bibl.** Günther, *Avellana-Studien* 83.)

fol. 257r-258v **Gregorius diaconus** (postea Gregorius I, s.), <**Donatio**> **ad monasterium St. Andreae Clivi Scauri**

(Invocatio) In nomine Domini Dei saluatoris nostri Iesu Christi. (Inscriptio)
Imperante domno Mauritio Tyberio perpetuo augusto anno sexto et post consulatum eiusdem domni nostri anno quarto, indictione sexta, uicesima octaua die mensis decembris . . . Sancto et uenerabili monasterio Sancti Andreae Apostoli, nostro loco constituto, quod appellatur Cluius Cauri (*sic*), in quo est Maximianus reuerendissimus abbas ... Gregorius indignus diaconus apostolicae sedis perpetuam salutem. (Textus) Quotiens laudis uestrae usibus licet parua

quaedam conferimus ... (fol. 258r) (Finis) ex more concedi licentiam sub stipulatione, exsponsione solennitate interposita. (Datum) Imperante domno nostro Mauritio Tyberio ... et consolatū (*sic*) suprascripto. <Subscriptiones> ... (fol. 258v) (Epilogus scriptoris) Falconius scriniarius sanctae Romanae ecclesiae haec quae superius leguntur ex antiquiori tomo quae Deusdedit sanctae Romanae ecclesiae scriniarius descripserat ... descripsi et in hanc paginam transferre curavi. (Ed. MGH Epp. 2. ed. P. Ewald and L.M. Hartmann, App. I, p. 437-39, using this MS (siglum Vat.), including the scribe's epilogue. The first ellipsis in the inscription is the scribe's.)

fol. 259r **Gregorius <I (s.), Epistola> ad Maximum abbatem monasterii Sancti Andreae Clivis Scauri** (JE 1082) cum confirmatione Gregorii IX (Po. 10963) (Inscriptio) Gregorius episcopus seruus seruorum Dei dilectissimo filio Maximo (Massimo cod.), abbati monasterii sancti Andreae Apostoli, qui appellatur Clivus Scauri, cunctaeque eius congregationi Deo ibidem seruientibus in perpetuum. (Textus) Conuersionis meae primordia reducens ad animum ... (Finis) de cuius molitur liminaribus haec quae a nobis sunt ordinata destruere. Deus te custodiat incolumem dilectissime fili. (Confirmatio Gregorii IX) Nulli ergo omnino hominum liceat hanc paginam nostre annotationis infringere ... ac beatorum Petri et Pauli apostolorum eius se nouerit incursurum. Datum Later. xvii kal. septembris. Pontificatus nostri anno quartodecimo. (Ed. MGH Epp. 1, ed. P. Ewald and L.M. Hartmann, p. 14-15, in which Gregory IX's confirmation is analyzed (note to I, 14a), but not printed.)

fol. 260r **Clemens IV, Epistola ad Petrum Grossum de sancto Aegidio** (Po. 19051) (Rubrica) Breue Clementis iiii. ad nepotem scriptum post assumptionem suam. (Inscriptio) Clemens episcopus seruus seruorum Dei dilecto filio Petro Grosso de Sancto Egidio salutem, etc. (Textus) Multis de nostra promotione gaudentibus ... (Finis) sed sub piscatoris sigillo, quo Romani pontifices in suis secretis utuntur. Datum Perusii in festo sanctarum (om. cod.) Perpetuae et Felicitatis. (Ed. Mansi 23.1124.)

fol. 260r-v <Incertus auctor, **Nota de vita Clementis IV**>
(Textus) Hanc epistolam sanctissimus papa Clemens iiii, natione Narbonensis ante Guido Falcodii uocatus ... (Finis) Obiit hic papa Clemens anno Domini M.CC.LXV.

fol. 261r <**Testimonia prolata ex scripturis sanctis**>
(This is a short list of scriptural passages cited in the *Collectio Avellana*, with folio references, written by the annotator of the manuscript.)

fol. 261v-262r **Martinus <Polonus, O.P., Chronicon Pontificum et Imperatorum, seu Martiniana, excerpta>**
(Rubrica) Ex chronicis fratris Martini, de pontificibus Romanis qui liber uulgo Martiniana dicitur. (Textus) Cardinales ecclesiae Romanae in tres ordines diuisi, episcopos, presbyteros, et diaconos ... (Finis) Cletus papa ascripsit litteris suis

sal<utem> et apostolicam benedictionem. (**Ed.** Cf. MGH Scriptores 22, ed. L. Weiland, pp. 397-475 at 407, 408-09, 410. The excerpts are actually synopses of the passages cited.)

fol. 262v-263r <Incertus auctor, **Nota architectonica cum schemate**>, Italice (Rubrica) Architettura de i palazzi antiqui in Roma secundo m(agistr)o Pirrho. (Textus) II vestibolo era fuori della casa con alcuni balaustri ... (Finis) nella camera detta cubicullum che era sopra il portico. (The notes are annotations of a ground plan of an ideal Roman house which covers the facing leaves, the front of the house being at the right margin of fol. 263r.)

fol. 263v,. <Index collectionis Avellanae, in parte>
(Written over a period of time, these notes form a partial index by the main annotator of the volume.)

Bibl. *Avellana*, ed. Günther I xxx-xxxii; the description is incomplete for the non-Avellana sections.

The *Collectio Avellana* was written in varying shades of brown ink by two scribes, the first in a late cursive bookhand (fol. 5r-10r, 11r-14v, 208r-256v), the second in a quicker secretarial hand (fol. 15r-208r). The second scribe may also have added the Gregorian letter on fol. 257r-258v; however a different scribe, though contemporary, added the letters on fol. 2r-v and 260r-v. Fol. 259, written in a earlier cursive bookhand, is slightly smaller and was tipped in. All the other pieces were written by an annotator who added extensive marginalia throughout the volume, including notations in space originally left blank on fol. 10v und 14v. The note on fol. 10v identifies itself correctly as a repetition from 'fol. xix', that is the last six lines of fol. 33 of the new enumeration. There is no decoration. The former foliation shows that originally fol. 15 was fol. 1 and that this version of the *Avellana* originally began with Ep. 50. At the top of fol. 1r is the ex libris 'Di Castello' and, in a different hand, the note, 'Dil. filio Macario de Monte Franco scholari Spoletanae dioc. familiari nostro', above which the initial 'M' heads the page. When the volume was rebound, the notations on the former pastedowns were glued to the new guard folios, both in front and at back. Those on <II>r are: 1) a reference to 'folio 80.b.'; 2) a note on Martinus Polonus's *Chronicon*; and 3) a series of Greek words with their Latin equivalents; most of them are medical terms. The notes on <+I>v seem to be a continuation of the informal index on fol. 263v, which they originally faced. For watermarks, cf. Briquet 7629, 6098, and 59. The binding is 19th-century parchment on boards. Fol. 224a-d are blank except for their former folio numbers (211-214); <I>r-v, <II>v, fol. 1v, 3v, 4v, 259v, <+I>r and <+II>r-v are blank.

Vat. lat. 5637

saec. XVI

708 fols. + 119a + 121bis-122 chart. 330 (252) x 228 (148) mm, origin Italy. Quiniones, saec. XVI.

fol. 1r-3r <Tabula extravagantium>

fol. 5r-708v **Egidius de Bellamera, Commentaria in extravagantes**
(Rubrica) Extrauagantes Bonifatii VIII. Capitulum piae sollicitudinis.
Commentum extrauagantium sub titulo de prebendis domini Egidii episcopi Auinionensis. (Inscriptio) Bonifatius episcopus seruus seruorum Dei ad

perpetuam rei memoriam. (Lemma primum) *Pie sollicitudinis studio etc.*: Casus breuis. Beneficia ecclesiastica que tempore date huius constitutionis per unum mensem ... (Finis) si in suis excesserint officiis pro suo libero arbitrio puniendi. (Colophon) Scriptor qui scribat cum Christo uiuere possit. Amen. Deo gratias. Explicit commentum domini Egidii de Bellamera episcopi Auinionensis super extrauagantibus domini Bonifacii pape octauo et aliorum pontificum usque ad Urbanum quintum.

Bibl. Gilles, 'Gilles Bellemère' 402, *Extravagantes Iohannis XXII*, ed. Tarrant, 2(-3) n. 3. Sella, 'Nuove sigle' 12.

Despite mention in the table, the *Tractatus de indulgentiis* was not copied at fol. 48r, where it should occur. The MS is written in a cursive hand in black ink. For the watermarks, cf. Briquet nos. 47, 3338, 6291, and 4835. The parchment binding of indeterminate age has been restored. Fol. 3v-4r are blank.

Vat. lat. 5638

saec. XVI

<II> + 386 fols. chart. 286 (245) x 210 (153) mm, Quaterniones, saec. XVI.

fol. 1r-28v **Leo IX, Epistolae quinque**

(Epistola prima) (Rubrica) Incipit libellus domni et reuerentissimi papae Leonis noni aduersus inauditas praesumptiones ... (Inscriptio) Leo episcopus seruus seruorum Dei Michaeli Constantinopolitano et Leoni Acridano (*add. al. man.*) episcopis. (Textus) Capitulum I. In terra pax hominibus bonae uoluntatis (Luke 2.14). Huiusmodi exordium docuit nos illud ... (fol. 26v-28v) (Epistola ultima) (Rubrica) Eiusdem ad imperatorem Constantinopolitanum. (Inscriptio) Leo episcopus seruus seruorum Dei glorioso et religioso imperatori nouae Romae Constantino Monomacho dilecto filio sal<utem>. (Textus) Quantas gratias referre iugiter debeamus creatrici et gubernatrici ... (Finis) honorabilis et desiderabilis nobis in Christo fili et gloriose Auguste. Amen. (**Bibl.** The letters are: JL 4302 (fol. 1r-18r); JL 4295 (fol. 18v-19r [**Ed.** *Bullarium Romanum* I 626f.]); JL 4297 (fol. 21r-23v); JL 4332 (fol. 23v-26v); JL 4333 (fol. 26v-28v).)

fol. 29r-263v **Gregorius VII, Epistolae** (See Vat. lat. 4907 fol. 1r-225r for further information.) *Variants:*

(Rubrica) Gregorii papae vii *pro* septimi Gregorii pape (Epistola prima) (Inscriptio) vii *add. post* Gregorius; (fol. 256r-v) (Epistola ultima) (Inscriptio) episcopus seruus seruorum Dei *om.*: Gilielmo *pro* W. (Textus) Petrum *pro* P. (Finis) principum *pro* principiam.

fol. 265r-358v **Gregorius VII, Epistolae** (See Vat. lat. 4907 fol. 1r-225r for further information.) *Variants:*

<Invocatio, rubrica, praefatio et epistola prima desunt.> (Epistola secunda) (Rubrica) Ex primo libro. (Inscriptio) Gregorius in Rom<anum> pont<ificem> electus Gisulpho Salernitano principi salutem in Christo Iesu. (Textus) Dominus

noster Alexander papa mortuus est cuius mors super me cecidit ... (Finis) (lib. IX ep. 13) nullam exinde lesionem faciatis uel fieri permittatis.

fol. 359r-382r <**Auctores varii, Epistolae ad sedem archiepiscopalem Salernitanam**>, nominantur: Johannes XV* JL 3833 (fol. 359r-v), JL 3852 (fol. 359v-360v [**Ed. Bullarium Romanum** I 462]); Sergius IV, JL 3988 (fol. 360v-361v [**Ed. Bullarium Romanum** I 493]); Benedictus VIII, JL 4011 (fol. 361v-362v [**Ed. Pflugk-Harttung, Iter** II 62]), JL 4012 (fol. 362v-364r [**Ed. Pflugk-Harttung, Iter** II 61-62]), JL 4027 (fol. 364r-365r [**Ed. Pflugk-Harttung, Iter** II 63]), JL 4032 (fol. 365r-366r [**Ed. Pflugk-Harttung, Iter** II 64f.]); Clemens II, JL 4143 (fol. 366r-368r [**Ed. Bullarium Romanum** I 576f.]); Leo IX, JL 4259 (fol. 368r-369v [**Ed. Bullarium Romanum** I 608-10]); Stephanus IX, JL 4386 (fol. 369v-372r [**Ed. Pflugk-Harttung, Iter** II 82-84]); Alexander II, JL 4636 (fol. 372r-374r [**Ed. Bullarium Romanum** II 50f.]), JL 4635 (fol. 374r-375v); Gregorius VII, JL 5287 (fol. 375v-376r [**Ed. Pflugk-Harttung, Iter** II 139]); Urbanus II, JL 5707 (fol. 376r-378v [**Ed. Bullarium Romanum** II 190-92]), JL post 5466 (fol. 378v-379v [**Ed. Pflugk-Harttung, Iter** II 149-50]), JL 5739 (fol. 379v), JL post 5707 (fol. 379v-380r [**Ed. Pflugk-Harttung, Iter** II 164-65]); Paschalis II, JL 6583 (fol. 381v [**Ed. Pflugk-Harttung, Iter** II 172-73]), JL 5931 (fol. 381v-382r [**Ed. Pflugk-Harttung, Iter** II 178f.]) Otto II imperator (fol. 380r-381v).

fol. 382r-<+I>r <Index materiae>

(<+I> is the inside of the back cover; its contents were most likely for the personal use of the owner. The material includes references to folios and letter numbers in this MS.)

Bibl. J. von Pflugk-Harttung, *Iter Italicum* (Stuttgart 1883) ZZ 128. Peitz, *Originalregister* 114-15, listing fol. 29r-264r (*sic*) as a copy of his Excerpt A and fol. 265r-358v as a copy of Excerpt B; see also MGH Epp. Sel. 2.1. ed. E. Caspar, pp. vii-viii.

The letters of Gregory VII are in a different numeration from that of the edition. The following letters, cited by the number in the edition, are missing from the MS: Liber I 4, 31; Liber II 16; Liber IV 5; Liber IX 12, 22.

The MS was written in black ink by several 16th-century scribes, all in secretarial cursive, except fol. 359r-382r which are in a formal cursive bookhand. The MS has no decoration. <I>-<II>, written in an informal hand, contain patristic and biblical references on the primacy of Peter. There are further notes on the inside front cover. On fol. 29r-261r, the quires are marked 'A' through 'G.g.' on the last recto. For the watermarks, cf. Briquet nos. 12235 and 7100. The MS is in a soft parchment binding, perhaps original. Fol. 342r is blank except for one line repeated at the beginning of fol. 343r. Fol. 29v, 264v, and 342v are blank.

Vat. lat. 5709

saec. XIV

120 fols. memb. 189 (140) x 134 (96) mm, origin Germany. Seniones, saec. XIV.

fol. 1r--v, 120ra-vb <Incertus auctor, **Commentaria in Apocalypsim**>, fragmenta (Apoc. 2.13)

(These leaves are Italian from the 13th-century.)

fol. 2ra-89va <**Nicolaus de Anessiaco O.P., Tabula Decretalium et Libri Sexti**> (See Vat. lat. 2685 fol. 6rb-17va, etc. for further information.) *Variants:*
(Praefatio) Sicut spiritualia et temporalia differunt, extra de renunciatione (*leg.* translatione) Inter corporalia (X 1.7.2). (fol. 2rb-21va) <Tabula titulorum et capitulorum>. (Colophon) Explicit tabula super decretales. (**Bibl.** Kaeppli, *Scriptores* III 142 no. 3031 II.)

fol. 89va-93vb **Nicolaus de Anessiaco O.P., Tabula <Constitutionum Clementinarum>** (See Vat. lat. 2685 fol. 31rb-32vb for further information.)
Variants:
(Textus) a *add. post annum* (Colophon) Explicit tabula super 7^m f<ratris> N<icolai> de Anesiaco ordinis fratrum predicatorum. (**Bibl.** Kaeppli, *Scriptores* III 142 no. 3031 III.)

fol. 94ra-107ra <**Nicolaus de Anessiaco O.P., Tabula Decreti**> (See Vat. lat. 2685 fol. 32vb-36vb for further information.) *Variants:*
(Textus) suo *om.* (Colophon) Explicit explicat ludere scriptor eat. Scribere qui nescit nullum putat esse laborem. Tres digiti scribunt corpus tamen omne laborat. (**Bibl.** Kaeppli, *Scriptores* III 142 no. 3031 I.)

fol. 107rb-110rb **Ludovicus IV, <Const. Fidem catholicam> (1338)**
(**Ed.** H.-J. Becker, 'Das Mandat "Fidem catholicam" Ludwigs des Bayern von 1338', DA 26 (1970) 494-512 at 496-512, using this MS (siglum V). **Bibl.** R. Scholz, *Unbekannte kirchenpolitische Streitschriften aus der Zeit Ludwigs des Bayern (1327-1354)* (Rome 1911-1914. anast. repr. Torino 1971) I 7.)

fol. 110va-119rb **Sybertus <de Beka O.Carm.ZZ , Reprobatio sex errorum>**
(Rubrica) Errores quos asserunt quidam magistri sunt isti. (Praefatio) Primo dicunt quod omnia temporalia ecclesie subsunt imperatori ... (fol. 110vb) (Rubrica textus) Responsio fratris Siberti magistri de Carmelo. (Inscriptio) Pater sanctissime. (Textus) Ad VI articulos mihi fratri Sybertio priori prouinciali fratrum de Carmelo per prouinciam Alemannie inferioris ex parte uestre sanctitatis mihi destinatos ... (fol. 119ra) (Finis) et precipue in fine tercii articuli dicebatur. (Colophon) Explicit liber scriptor sit crimine liber. Omnibus est notum quod multum di(fol. 119rb)ligo potum. (**Ed.** and **Bibl.** Scholz, *Streitschriften* I 7 and II 3-15, from this MS: B.M. Xiberta, *De scriptoribus scholasticis saeculi XIV ex ordine Carmelitarum* (Bibliothèque de la Revue d'histoire ecclésiastique 6: Louvain 1931) 146-47 and 164-66, printing parts of the text.)

Bibl. F. Sinatti d'Amico, 'Gli Indices titulorum et legum del Corpus iuris civilis', *Atti del Convegno internazionale di Studi Accursiani (Bologna, 21-26 Ottobre, 1963)*, ed. G. Rossi. 3 vols. (Milano 1968) II 521-76 at 535 and n. 24.

The MS is in a gothic bookhand in brown ink. Capitals and paragraph signs are red or blue. Catchwords are framed at lower right. The modern shelfmark and a note on the contents in the same hand appear on fol. 1r.

The MS has a 19th-century leather and parchment binding incorporating the 17th-century one. Fol. 119v is blank.

Vat. lat. 5711

saec. XIV (ca. 1334-1342)

Prov. Avignon. Papal library (?).

<I> + 65 fols. - 1 - 13 - 48 - 49 memb. 280 (188) x 204 (136) mm, origin Avignon (?).

Quaterniones, saec. XIV (ca. 1334-1342).

Ira-rb (*recte* i^{va}-vb, ra-rb) <Incertus auctor, **Commentaria in Apocalypsim**>, fragmentum (Apoc. 9.16-17)
(<I>va) (Textus) /// demones non permetterentur omnino facere ... (Lemma primum) *Et numerus equestris Exercitus* idest numerus equorum ... (<I>rb) (Lemma ultimum) *et capita*: ... (Finis) capite ipsorum <que> sunt /// (The text is trimmed at the bottom of the folio.)

fol. 2r-9v **Provinciale Romanum cum diversis appendicibus**

(Inc. imperf.) [Archiepiscopus Regin. habet hos] suffraganeos: § Cassanen. ... (fol. 8r) (Finis) § Archiepiscopus Cambaliensis in dominio Tartarorum creatus de nouo per dominum Clementem papam V. (Appendix) Ex parte uero Egipti detinet Soldanus super Maritimam Scalonom ... (fol. 9v) (*ultima*) Imperator Adrianus fecit Secundo philosopho istas V questiones de homine ... (Finis) fames sitis calor frigus infirmitas et mors.

Bibl. H. Börsting, *Das Provinciale romanum mit besonderer Berücksichtigung seiner handschriftlichen Überlieferung* (Lengerich i. W. 1937) 7, 33, 61, citing this MS. (siglum D8.); Herde I 109 giving incipits for most of the appendices, and I 112 discussing an addition (fol. 8r, after the end as quoted above) concerning the metropolitan see of Matrek established in 1349; R.Elze, 'La corona imperiale di paglia', *Cultura e società nell' Italia medievale. Studi per Paolo Brezzi* (Roma 1988) 342 with note 23, discussing appendices to the Provinciale in general and indicating old editions for some of them, but not considering this MS.

fol. 9vb-vc <**Tabula pro computatione Paschae**>

(In the lower margin, a later hand has added some notes.)

fol. 10r-15v **Kalendarium**

July and August are missing due to the loss of fol. 13. Use in the Avignonese curia is evident from annotations recording elections, coronations and death dates of various 14th-century popes; see the examples printed by Herde I 110s. This interesting calendar needs a profound analysis, in which the relation to Lyon and the dating to the year 1343 mentioned by Salmon, *Manuscripts liturgiques* IV 365 (after Bannister) should be checked. (**Bibl.** *Manuscripts* ed. Salmon IV 365. July and August are missing; the calendar is annotated with notices of events during the pontificates of Clement VI and the anti-pope Clement VII, some of which are printed in Herde, *Audientia* I 110-11.)

fol. 16r **Tabula de diebus Paschae, 1344-1399**

(An additional entry intended to give the date of Easter in 1400 (not 1308, as in Herde, *Audientia* I 109) was added in a slightly later hand. The text reads 'm ccc viii^a die aprilis', the correct date for 1400? is 18 April.)

fol. 16v <**Preces duae**>

(Rubrica) Precus agnus Dei. (Textus) Agnus Dei miserere nobis ... Balsamus et cuiusdam cera ... (Finis) ab hoste triumphum (The prayers are in two 15th-century cursive hands.)

fol. 17r-68v <**Formularium audientiae litterarum contradictarum**>, recensio vulgata (Textus) Et notandum est quod litterarum domini pape alie bullantur cum serico alie cum filo canapis ... (Textus ultimus) (Rubrica) Quod abbas possit dispensare cum monachis monasterii sui. Dilecto filio ... abbati Premonstraten. Constitutus in presentia nostra ... (Finis) dispenses, prout secundum Deum etc. (**Ed.** Herde, *Audientia* II passim, using this MS (siglum A); cf. the analysis of contents I 109-10. The last item is at II 567. Fol. 21r-23r: **Ed.** G. Barraclough, 'The chancery ordinance of Nicholas III', QF 25 (1933-34) 192-250 at 236-50, using this MS: siglum B5.)

fol. 63v-65v <**Marinus de Ebolo**>, **Tractatus super revocatoriis**; imperfectus (See Vat.

lat. 3976 fol. 150v-153r for further information.) *Variants*:

(Rubrica) Incipit Tractatus de reuocatoriis. (Finis) non admisit alia erit conclusio ut infra dicitur. (**Ed.** Herde, 'Marinus von Eboli' 196-229, using this MS (siglum A); the MS ends on p. 214 of the edition.)

fol. <+I>r <Incertus auctor, **Commentaria in Apocalypsim**>, fragmentum (Apoc. 10.9-11.1)

(Textus) <Colli>gite fragmenta ne pereant sicut dicitur Jo. vi. (Jo. 6.12) (Lemma primum) *et faciet amaricari uentrem tuam (sic)*, id est mentem tuam ... (Finis) ad penitentiam /// dictum est. (Rubrica) Capitulum xi. (Lemma ultimum) *Et datus est mihi cala<mus> ///* (This piece is from the same text as the leaf at the front of the MS. The folio is glued in on inside front cover in upside down.)

Bibl. Herde, *Audientia* I 108-13. describing this MS (siglum A).

The main texts of the MS as describing above were written in the first half of the 14th-century in one even southern French cursive hand with red rubrics and initials; fol. 17r (beginning of the Formulary) opens with a blue initial. The same hand filled the free space fol. 9v (after the last appendix to the Provinciale) with a table of the golden number for the easter date. Later hands supplied lists of explicit easter dates for the period 1344-1399 on fol. 16r and for 1436-1530 on fol. 56v-57v. Further additions, annotations and pen proofs from many different hands attest continuous use of the MS until the beginning of the 16th-century; see the discussion in Herde I 112f. Folios have been counted in Roman numerals I-LXVI at a very early date, perhaps by the scribe himself; since there is no other foliation at all, this one is followed here using the arabic equivalents. Fol 1, 13, 48, 49 and 66 are cut away. For the irregular quire composition see Herde I 110. There is an unnumbered guard folio in front and a folio glued in on the inside back cover, both of them cut out from a late 13th-century MS containing an Apocalypse commentary (covering Apoc. 1.16-17 and 10.9-11.1); these fragments are from the same MS as those conserved in Vat. lat. 5715. On the upper margin of the front guard folio a 16th-century hand wrote as title of the MS: Memorialia /// pro curia

Romana, which was transformed by a 17th-century hand into: *Formularium pro procuratoribus seu sollicitatoribus cancellariae curiae Romanae*, adding the actual shelfmark. The MS has a 16th-century (Gregory XV / Cobeluzzi) binding in red leather with gold impression on wood covers, which may be medieval. A number of folios are partly blank (to allow for additions): fol.30r and 63r are blank.

Vat. lat. 5715

saec. XII.2

<I> +136 fols. + <I> memb. 255 (202) x 185 (133) mm, origin South France (?).
Quaterniones, saec. XII.2.

<I>r-v, <+I>r-v (*recte* <+I>v, <I>r, <+I>r, <I>v) <Incertus auctor, **Commentaria in Apocalypsim**>, fragmentum (10.5-8)
/// abscondere bonum est. Opera autem Dei reuelari et confiteri honorificum est.
(Lemma primum) *Et angelus*: hic incipit .ii. pars huius capituli ... (Finis) quia
liber exemplaris in iudicio apertus omnibus appare /// (The fragment is composed
of a single large leaf, cut in half and used as front and back guard folios. The top
of the leaf is at the back. It is written in fine *littera quadrata* with the lemmata
underlined by a later hand. The running titles (Apoca - lypsis) are in alternating
blue and red letters. Some lines are lost along the cut, but the text can be followed
from the bottom of the 'a' columns to the top of the 'b' columns.)

fol. 1ra-126ra <**Collectio Caesaraugustana**, recensio 3> (*olim* recensio 2)
(Rubrica) De ratione et auctoritate et que cui preponenda sit pro emenda sint?.
Augustinus in libro ii. de ordine. (Textus) Ad discendum dupliciter ducimur,
auctoritate atque ratione ... (Excerptum ultimum) (Rubrica) Ex con. Magociensi.
(Textus) Qui Ierosolimam Romam Turonumue et alia sanctorum loca sub
orationis pretextu ... (Finis) horum est deuotio modis omnibus collaudanda. (The
collection is unedited. The MS lacks the last, incomplete, canon of its exemplar,
Paris, BN 3876 fol. 136v. **Bibl.** *Pelagii I epistulae*, edd. Gassó et Batlle xxxv-
xxxix, reexamining the MS tradition of the *Caesaraugustana* and replacing
Fournier's two recensions with three, wherein this form becomes *recensio 3*, with
a short description of this MS at xxxviii-xxxix, and collating this MS for the
Pelagian letters (siglum C₄.) (see also Barb. lat. 897 for recensio 2 (*olim* 1); S.
Kuttner and W. Hartmann, 'A new version of Pope John VIII's decree on sacrilege
(Council of Troyes, 878)', *BMCL* 17 (1987) 1-32 at 26-27 and nn. 14-15,
clarifying the new Gassó-Batlle division of the recensions (note that all previous
scholarship, including the remaining bibliography included here will list this MS
as belonging to *recensio 2*, except as noted); P. Fournier, 'La collection canonique
dite "Caesaraugustana", ' *Nouvelle revue d'histoire de droit français et étranger* 45
(1921) 52-79, repr. in Fournier, *Mélanges* II 815-41, mentioning this MS at 54
(816), 59 (821), and 71 (833) and n. 1; Fournier-LeBras, *Histoire* II 269-84 at 270
and 281-83 (this is basically a light reworking of the previous piece); ZZ
Ballerini. *De antiq. coll.* PL 56.352; R. Somerville, 'The French councils of Pope
Urban II: Some basic considerations', *AHC* 2 (1970) 56-65 at 64 n. 40, citing
from fol. 84v; G. Giordanengo, 'Epistola Philiberti. Note sur l'influence du droit
féodal savant dans la pratique du Dauphiné médiéval', *MEFR* 82 (1970) 809-53

at 817 n. 1. on the presence of Fulbert's letter to William V of Poitou, under the title *de forma fidelitatis*, at fol. 37r; U.-R. Blumenthal, *The early councils of Paschal II. 1100-1110* (Toronto 1978) 103-06 and nn. 9 and 13, editing the anti-investiture canon of 1108 (fol. 48r); Brommer, 'Rezeption' 135, on the live excerpts from Theodulph, but reversing the recensions and calling this recension 1; Gilchrist, 'Reception' part 2 pp. 207-09, listing 15 excerpts from Gregory VII in this collection by folio number, and 221-22; idem, 'The Gregorian Reform Tradition and pope Alexander III', *Miscellanea Bandinelli* 61-87 at 279, 281-283, using this MS (siglum Caes.) is his discussion of the transmission in this collection of the Autumn synod of 1078. Mordek, *Kirchenrecht* at 139 n. 188, noting three Pseudo-Siricius texts in this collection (fol. 76vb) drawn from the *Herovalliana*; Gossman, *Urban II* 62-67, listing the excerpts from Urban II by folio number; L. Fowler-Magerl, 'Vier französische und spanische vorgratianische Kanonessammlungen'. *Aspekte europäischer Rechtsgeschichte. Festgabe für Helmut Coing zum 70. Geburtstag*, ed. C. Bergfeld et al. (Ius Commune, Sonderheft 17; Frankfurt a.M. 1982) 123-46 at 144-46 (using the new recension structure); F. Patetta, 'Per la storia del diritto romano nel medio evo', *Studi sulle fonti giuridiche medievali* (Torino 1967) 161-85 at 172-76 on the presence of the *Exceptiones Petri* in recensio 2 (at fol. 61, 66, and 87-88) with an excursus at 173 on the presence of the exceptio ex decretis Gratiani (fol. 54r-v); P. Weimar, 'Zur Entstehung des sogenannten Tübinger Rechtsbuchs und der *Exceptiones legum Romanorum* des Petrus', *Studien zur europäischen Rechtsgeschichte*, ed. W. Wilhelm (Frankfurt a.M. 1972) 1-24, at 3-6 redating this recension based on his discovery of an excerpt from a decretal of Hadrian IV fol. 54va, but only noting at 'Die legistische Literatur der Glossatorenzeit', in Coing, *Handbuch* I 256, that the decretal is a marginal addition in a different hand; S. Kuttner, 'Research on Gratian: Acta and agenda', *Proceedings Cambridge* 3-26 at 19 n. 46, correcting the common assumption that the *exceptio ex decretis Gratiani* is an excerpt from the *Abbreviatio 'Quoniam egestas'* and noting instead that a) it is not a later addition; b) it is taken directly from C.16 q.1 p.c.41 §1 - p.c.45, including Gratian's dicta; and c) this is the earliest reference to the *decreta Gratiani* - spelling from this MS.) Brett, Mir Proc. 161.

fol. 126rb-128va <**Catalogus pontificum**> (Petrus - Innocentius II)

fol. 128va-vb <**Catalogus regum Francorum**> (Pepin - Ludovicus VII)

fol. 128v <**Schema affinitatis**>

(**Ed.** Cf. PL 161.671-72 for a similar schema in Ivo's *Decretum*. **Bibl.** Cf. Schadt, *Arbores* 62-63 for this type of schema.)

fol. 129ra <**Expositio schematis**>

(Rubrica) De primi gradu (*sic*) natura. (Textus) Auctor generis mihi pater est.
(Rubrica) De secundo gradus (*sic*) affinitate. (Textus) Secundus gradus filius ac filia. (Rubrica) De .iii. parentele gradu. (Textus) Tercius gradus ex duobus fratribus germanis nati, fratrueles uocantur ... (Finis) Septimus gradus exebrini

exebrine. Finit. (This is a short explanation of the schema, which, in the exemplar, appears immediately below the illustration.)

fol. 129ra-rb <**De consanguinitate**>

(Textus) Pater matris mee auus meus est. Frater matris mee de eodem patre natus ... (Finis) nec uita succedentibus propagari potest. (Ed. Cf. PL 81.357-60. Like the preceding piece, this is obviously drawn from Isidore's *Etymologiae*, but it differs from other similar texts.)

fol. 129v <**Arbor consanguinitatis**>

fol. 129va-vb <**Tractatus de consanguinitate**>

(Textus) Scemata (Stemmata *ed.*) dicuntur ramusculi quos uocati (aduocati *ed.*) ... ille auus, ille agnatus. Hec consanguinitas dum se paulatim propaginum ... gradibus terminatur (terminaretur *ed.*). Vir sexum signum (significat *ed.*) non coniugium nisi adicias (adiecero *ed.*) eius. ... (Finis) Suizugia quid est sui conzugia iunctio. Inde suizugia unctio pedum. (Ed. Cf. PL 82.360-66. These texts are worked around the top of the tree, Isidore's *Etymologiae* 9.6.28 running along the top as a title and then stopping short at the tree on the second line. Continuing down the left side is *Etymologiae* 9.6.29. The text on the right side starts as *Etymologiae* 9.7.1. but rapidly diverges. It is faithful to its exemplar. The ending has been trimmed off in the exemplar and is caught in the binding here.)

fol. 130ra-131rb <Incertus auctor, **Expositio missae**>

(Textus) Gratia sancti Spiritus infundente dicendum est quid rationis obtineat in se diuersitas illa qui agitur in officii (*sic*) missae ... (Finis) Sed ante sacrificium clericis non nisi renatis licet interesse. Finit.

fol. 131rb-132rb <Incertus auctor, **Expositio horarum liturgicae**>

(Textus) Diabolus in .xl. acrius humanum genus impugnat ... (Finis) ad uespertinum .v. psalmos antiphonatim canimus.

fol. 132va-136vb **Bruno Segniensis (s.), <Tractatus de sacramentis ecclesiae, mysteriis atque ecclesiasticis ritibus>**, imperfectus

(Rubrica) Epistola episcopo Magalonensi transmissa a Bruno composita.

(Inscriptio) Dilectissimo fratri G<alterio> imagonalensi (*sic*) episcopo B<runo>

Signensis episcopus salutem. (Textus) Dum (Cum *ed.*) Rome quondam in Insula in domo episcopi Portuensis simul essemus ... (Finis) Unguantur igitur manus episcopi ZZ pietatis et oleo misericordie, nemini (Ed. PL 165.1089-1110. The MS is missing the last 6 lines of the edition's text, breaking off at the end of the folio and quire.)

Bibl. F. Patetta, 'Per la storia ...', describing the MS at 172(-73) n. 1.

The MS is written in a late Carolingian minuscule in dark brown ink by a single scribe. It appears to be a clean copy of Paris, BN lat. 3876, in which one of the hands is remarkably similar to this MS. The MS is now mutilated and, given the text of its exemplar, it may be assumed that an entire final quire is now

missing. Fol. 1ra opens with a roughly done multicolored initial. The books of the *Caesaraugustana* are only set off by enlarged, lightly decorated red capitals. Similar capitals open the other tracts and appear irregularly (matching their exemplar) on fol. 132-136. Chapter capitals and rubrics are red throughout. <I>r has a note scratched out and the old title 'Collectio canonum'. The MS has a 17th-century binding of red leather over wood boards.

Vat. lat. 5737

saec. XV.2

148 fols. memb. (chart.: fol. 96a, 116a) 375 (247) x 265 (150) mm, origin Italy (?).
Quiniones, saec. XV.2.

fol. 1r-11v **Provinciale**, imperfectum

fol. 12r-17r **Benedictus XII, Const. In agro dominico** (See Vat. lat. 2663 fol. 7r-11v for further information.)

(A 16th-century note in the margin indicates that the text was corrected from that in Vat. lat. 5744.)

fol. 17r-22v <**Taxationes litterarum poenitentiariae**> (See Vat. lat. 3994 fol. 9v-18v for further information.) *Variants:*

<Rubrica deest.> (Inscriptio) Gancellmus *pro* Gaucelmus.

fol. 22va-29va <**Provinciale**>

(The list is constructed alphabetically, rather than by provinces.)

fol. 29va-33r **Constitutiones et statuta officii <scriptorum poenitentiariae>** (See Vat. lat. 2663 fol. 16r-20v for further information.) *Variants:*

<Rubrica deest.> (Textus) Item servanda sunt ea, que continent duo iuramenta quorum et unum in manibus maioris penitentiarii (**Ed.** Göller, *Die päpstliche Pönitentie* 1.2 pp. 59-70, using this MS (siglum B). The MS lacks the first few lines of the edition.)

fol. 33r-v <**Feriae poenitentiariae**> (See Vat. lat. 2663 fol. 20va-21rb for further information.)

fol. 34r-36r <**Regulae et bona notabilia pro commissariis poenitentiariae**> (See Vat. lat. 2663 fol. 21rb-23v for further information.) *Variants:*

<Rubricae desunt.> (Textus) solum *add. post* aliquē (Finis) nota *pro* uero.

fol. 36r-38v <**Exempla de modo intitulandi commissarios poenitentiariae**> (See Vat. lat. 2663 fol. 23v-26r for further information.) *Variants:*

<Rubrica deest.> (Textus) Vicariis ... scribitur *om.*

fol. 38v-42r <**De modo scribendi litteras poenitentiariae**> (See Vat. lat. 2663 fol. 26r-30r for further information.)

fol. 42r-v <Tabula ordinum monasticorum>

fol. 42v-44r **Notabilia de potestate maioris et minoris poenitentiariorum et de modo signandi supplicationes** (See Vat. lat. 2663 fol. 30v-32r for further information.)

Variants:

<Rubrica deest.>

fol. 44r-46v **Regulae novae et antiquae <de poenitentiario>** (See Vat. lat. 2663 fol. 32r-34r for further information.) *Variants:*

(Textus) de Portugalia *om.* (Finis) domini *om.*

fol. 46v-50r <**Summa de absolutionibus et dispensationibus**, sive Summa Nicolai IV cum additionibus> (See Vat. lat. 2663 fol. 34r-38v for further information.)

Variants:

<Rubricae desunt.> (Praefatio) ccxc^o *pro* nonagesimo (Textus) ignorante beneficiato *om.* (Finis) et iuris dictamine castigandi ut ceteris transeat in exemplum *add.*

fol. 50r-51r <**Gaucelmus Johannis Deuza, Supplicatio ad Clementem VI, cum rescripto papae**> (See Vat. lat. 2663 fol. 38v-39v for further information.)

Variants:

<Rubrica deest.> (Finis) licentia *pro* etc.

fol. 51r-61v <**Innocentius VI, Urbanus V, Gregorius XI, Urbanus V, Concessionones potestatis poenitentiariorum**> (See Vat. lat. 2663 fol. 39v-47v, 50r-52r for further information.) *Variants:*

(Finis) pater dominus cardinalis Nucerinus maior penitentiarius et die lune. (The text ends on p. 32 of the edition in Göller, *Die päpstliche Pönitentie*, cf. n. i.)

fol. 61v-62r **Johannes XXII, Const. Cum Mattheus** (Extrav. comm. 5.3.3).

fol. 62r-v **Clemens <VI, Const.> Dudum felicitis recordationis** (See Vat. lat. ZZ 2663 fol. 48r for further information.) *Variants:*

(Praefatio) Cum Matheus dictam extrauagantem seu constitutionem perpetuam fecit ... predictos conseruatores uel alios.

fol. 62v: quauis auctoritate scienter uel ignoranter contingerit attemptari ... Nulli etc. Datum etc.

fol. 62v-63r **Innocentius <VI, Const.> Apostolicae sedis** (See Vat. lat. 2663 fol. 48v for further information.)

fol. 63r-146v <**Formularium poenitentiariae**>, imperfectum

(Rubrica) Notabilia bona pro formulario subscripto. (Praefatio) In primis ne aliquis abutatur formis subscriptis ... et sicut mutatur etiam potestas, ita etiam mutande sunt forme. (Rubrica textus) Incipiunt forme, de quibus supra dictum est in prologo. Primo de symonia: ... die xxre celebrari. xxx Maria.) (Formula prima)

(Inscriptio) (V)enerabili in Christo patri Dei gratia episcopo Constantiensi uel eius uicario in spiritualibus Philippus ... (Textus) Cum monasterii sancti Galli ... (Finis) super sic susceptorum ordinum execution (*sic*) dispensetis misericorditer cum eodem. Datum etc. (This formulary seems to be a revision and abbreviation of that of Walter of Strassburg (cf. Vat. lat. 2663 fol. 53r-330r), lacking Walter's dedicatory letter and preface entirely. The Philippus of the inscriptions is Filippo Calandrini, cardinal penitentiary c. 1458-76. There are breaks in the text at fol. 96v-97r and 116v-117r. **Bibl.** F. Tamburini, 'Note diplomatiche intorno a suppliche e lettere di Penitenzieria (sec. xiv-xv)', AHP 11 (1973) 149-208 at 175 n. 2 and 205 n. 16, mentioning this MS.)

Bibl. Göller, *Die päpstliche Pönitentiaria* I.1 pp. 69-70, describing this MS (siglum B); Haskins, 'Papal penitentiary', *passim*.

The MS was written in black ink with chancery flourishes, in three handsome late 15th-century humanistic hands (fol. 1r-96v, fol. 97r-116v, fol. 117r-146v). Opening capitals are frequently missing; when present they are red, sometimes decorated in ink, on fol. 97-98 red and green. Rubrics are lacking on fol. 1r-50v, red on fol. 51v-116v, then in ink. Paragraph signs are red, on fol. 97-98 alternately red and green. (There is no color on fol. 117r-146v.) Catchwords are at the lower right, sometimes vertical along the inner margin line. The MS has an old parchment binding. Fol. 96a^{r-v} and 116a^{r-v} are blank.

Vat. lat. 5744

saec. XVmed. (1449)

Prov. Johannes Nicolaus Hanheymer(?).

106 fols. chart. (memb.: fol. 1 et 106) 215 (175) x 160 (113) mm, origin Rome.

Quaterniones, saec. XVmed. (1449).

fol. 3r-11v **Benedictus XII, Const.** *In agro dominico* (See Vat. lat. 2663 fol. 7r-11v for further information.)

fol. 11v-18v **Taxationes litterarum poenitentiariae** (See Vat. lat. 3994 fol. 9v-18v for further information.) *Variants:*
(Epilogus) nisi *pro* ultra quam.

fol. 19r **Benedictus XII, Privilegia et stipendia poenitentiariorum** (See Vat. lat. 3994 fol. 18v-19r for further information.)

ZZ fol. 19r-23v <**De observantiis poenitentiariorum**> (See Vat. lat. 3994 fol. ZZ 19r-23v for further information.) *Variants:*
(Rubrica) Capitulum *om.* (Finis) in recipiendo *pro* incipiendo.

fol. 23v-24v <**Feriae poenitentiariae**> (See Vat. lat. 2663 fol. 20va-21rb for further information.)

fol. 25r-31v <**Summa de absolutionibus et dispensationibus**> sive Summa Nicolai IV, cum additionibus (See Vat. lat. 2663 fol. 34r-38v for further information.)
Variants:

<Rubricae desunt.> (Praefatio) ccc° xx *pro* CC nonagesimo <Rubrica textus deest.>

- fol. 31v-32v <**Gaucelmus Johannis Deuza, Supplicatio ad Clementem VI, cum rescripto papae**> (See Vat. lat. 2663 fol. 38v-39v for further information.) *Variants:*
(Rubrica) Nota quod dominus Clemens papa vi concessit casus infrascriptos domino Gaucelino episcopo Albanensi maiori penitentiario. (Rubrica rescripti) Sequuntur *om.*; Et sunt ista *om.* (Rescriptum) nostrum *add. post* officium; diem *pro* die.
- fol. 33r-34v **Forma ad reconciliandum apostatam a fide** (See Vat. lat. 3994 fol. 32v-34r for further information.) *Variants:*
(Finis) Respondit *add. ante* Amen.
- fol. 34v-35r <**Innocentius IV, Const. Perlectis litteris**> (See Vat. lat. 3994 fol. 34r-v for further information.) *Variants:*
(Textus) Per litteras nostras *pro* Perlectis litteris uestris.
- fol. 35r-41r <**Casus pertinentes ad officium poenitentiariae**> (See Vat. lat. 3994 fol. 34v-40r for further information.)
- fol. 41v-42r <Incertus auctor, **De poenitentibus mittendis ad curiam Romanam**> (See Vat. lat. 3994 fol. 40r-v for further information.) *Variants:*
(Rubrica) In sequenti comprehenduntur *pro* Sequitur de hiis; metra siue uersus *pro* Versus siue casus.
- fol. 42r-45v <**Declaratio predictorum versuum**> (See Vat. lat. 3994 fol. 40v-43r for further information.) *Variants:*
(Rubrica) Sequitur declaratio. (Finis) id in ipsis factor eorum *add. post* conseruet.
- fol. 45v-53r <**Bonaguida de Aretio, Tractatus**> **de dispensationibus**, forma brevior (See Vat. lat. 3994 fol. 43r-49r for further information.) *Variants:*
(Rubrica) Sequitur potestas abbatum. (**Bibl.** Izbicki, 'Problems in TUI' 485, listing this MS.)
- fol. 53r-71r **Berengarius Fredoli, <Liber de excommunicatione et interdicto>**, imperfectus (See Vat. lat. 3994 fol. 49r-64v for further information.) *Variants:*
(Rubrica) subsecuntur quidam *pro* sequuntur (Inscriptio) Biteriensis *pro* Biturensis (Finis) cui *pro* qui; qui *pro* cui (**Bibl.** E. Vernay, *Le 'Liber de excommunicatione' du Cardinal Bérengar Frédol* [Paris 1912] lxxviii, mentions but does not use this MS.)
- fol. 71r-74r <**Berengarius Fredoli, De exceptionibus duarum regularum circa iniunctionem manuum in clericum**> (See Vat. lat. 3994 fol. 64v-67r for further information.) *Variants:*

(Rubrica) subsequentium *pro* sequentium (Finis) e *pro* eodem; sed *pro* si; uerbo *pro* uersibus.

fol. 74v-79r <**Casus in quibus fertur sententia excommunicationis, interdicti vel aliarum censurarum secundum Constitutiones Clementinas**> (See Vat. lat. 3994 fol. 67r-70v for further information.)

fol. 79r <**De potestate iniungendi poenitentias ab episcopo commissa**> (See Vat. lat. 3994 fol. 70v for further information.) *Variants:*
(Rubrica) uicet *pro* uices (Textus) ray *pro* R.

fol. 79r-86r <**Casus in quibus sententia vel poena incurritur ipso facto secundum Constitutiones Clementinas**> (See Vat. lat. 3994 fol. 70v-76v for further information.) *Variants:*
(Rubrica) domini *add. post* constitutionibus.

ZZ fol. 86r-89r <**Summaria casuum in Constitutionibus Clementinis**> (See Vat. lat. 3994 fol. 76v-78v for further information.)

fol. 89r-90r <Incertus auctor, **De exceptionibus duarum regularum**> (See Vat. lat. 3994 fol. 78v-79r for further information.)

fol. 90r-92r **Regulae poenitentiariae**, imperfectae (See Vat. lat. 3994 fol. 79r-81r for further information.) *Variants:*
(Colophon) Deo gratias *add.*

fol. 92r-93r <**Memoriale de privilegiis poenitentiariorum minorum, saec. xiv**> (See Vat. lat. 3994 fol. 81r-v for further information.) *Variants:*
(Finis) continet *pro* continet.

fol. 93r-94r <**Excommunicationes papae reservatae**> (See Vat. lat. 3994 fol. 81v-82v for further information.)

fol. 94r-95v **Clemens** <V>, **Const. Ne Romani** (Clem. 1.2.3)
(See Vat. lat. 3994 fol. 82v-83v for the introductory rubric.)

fol. 95v-97v **Eugenius IV, Const. Ad sacram Petri sedem** (16 oct. 1435) (See Vat. lat. 3994 fol. 83v-85r for further information.)

fol. 97v-100r <**Jordanus de Ursinis, Ordinationes super receptione poenitentiariorum**> (See Vat. lat. 3994 fol. 85r-87r for further information.) *Variants:*
(Rubrica) Sequitur statutum et ordinatio R pro reuerendi domini, domini Iordani de Ursinis miseracione diuina episcopi Sabinensis, cardinalis et maioris penitentiarii domini pape Eugenii ⁱⁱⁱⁱ^{ti} super receptione et examinatione minorum poenitentiariorum. (Finis) undecim *om.* Deo gratias.

fol. 100r-101r **Eugenius IV, Const.** *Devotionis vestrae sinceritas* (16 oct. 1435) (See Vat. lat. 3994 fol. 87r-v for further information.)

fol. 101r-102v **Eugenius IV, Const.** *Prudens pater familias* (14 iun. 1438) (See Vat. lat. 3994 fol. 87v-88v for further information.)

fol. 102v-104r <**Forma bullarum receptionis poenitentiariorum**> (See Vat. lat. 3994 fol. 89r-90r for further information.)

fol. 104r-v **Forma litterae quae conceditur poenitentiario minori** (See Vat. lat. 3994 fol. 90r-v for further information.) *Variants:*
(Colophon codicis) Explicit formulare totum Deo gratias. Fuit completum die ii augusti anno domini m^o cccc^o xlix Rome. Deo gratias.

Bibl. Göller, *Die päpstliche Pönitentie* ZZ I.I 72, describing this MS; Haskins, 'Papal penitentiary', passim.

In contents and arrangement, this MS mirrors Vat. lat. 3994, of which it is a near contemporary, and possibly a direct copy. The MS was written in black ink in several 15th-century cursive hands. Rubrics and paragraph signs are red from fol. 25r; initials are red from fol. 31v. There are marginal notes in several hands. Fol. 1r contains a fragment of a document, only partly legible: ZZ et eius territorii, apostolica nobis in hac, capitulari canonicis et personis eiusdem, sex dierum duos, pro primo duos, pro secundo parochialibus sub XXX vel quibus, fol. 1v and 105v have scribal notes, among them a formula for absolution and the ex libris of Johann Nicolaus Hanheymer (fol. 105v). On fol. 2r are the title 'Formularium Penitent. Benedicti PP. xii', the shelfmark '5744 Vat.', and various notes. On fol. 106r are various notes, including 'Yo. Nicolai Hanheymer decretorum licentiat, possessor huius libri' (Cf. Göller I.I p. 72) and 'Guilielmus sancti ZZ Dionisii portavit libros Parisum ///ianuari 1451'. and fol. 106v, ZZ 'nostro papa specialiter dep/// nos igitur ///' 'vigore presentium fueritis requisiti seu'. Catchwords are at the lower right, often cut away. The edges of the folios show signs of waterstain. The parchment binding of the MS dates from the mid-19th century. Fol. 2v and 105r are blank.

Vat. lat. 5748

saec .IXex. (887-c. 896)

antea 43. Prov. Congregation of Santa Giustina, O.S.B.: Bobbio, Monastery of San Columbano, O.S.B.

<I> +131 fols. + 112a + <I> memb. 283 (192) x 208 (108) mm, origin Italy (Bobbio).
Quaterniones, saec. IXex. (887-c. 896)

fol. 1r-7v, 8v <**Canones varii**>

(Rubrica *al. man. recent.*) Incipiunt canones sancti Silvestri episcopi (Rubrica altera) Vt sequentes se gradus clericorum inuicem non accusent. (*marg.*) CXIII. (Textus) Postea autem fecit hos gradus in gremio ... (Canon ultimus) Consecratio autem episcopi fiat ... (Finis) consecratur episcopus nisi disceptatio de contradictione. (The canons do not form part of any recognized collection. The first is canon 3 of the so-called canons of Sylvester, the last (in a slightly later hand) is unidentified. The youngest identified item is from the Roman synod of 826. The canons on fol. 1r-6r deal primarily with episcopal administration and

seem to come largely from Iberian councils. Those on fol. 7r-v and 8v come mostly from the *Collectio Hibernensis*. Fol. 8r has been thoroughly erased. **Bibl.** Mordek, *Kirchenrecht* 258.)

- fol. 9r-11r <**De modo celebrandi concilium**> (See Vat. lat. 4983 fol. 1r-2v for further information.) *Variants:*
(Rubrica *al. man. recent.*) De modo celebrandi concilium. (Finis) ex *om.* (**Ed.** and **Bibl.** G.P. Pozzi, *Il 'De modo celebrandi Concilium' nel manoscritto Vat. lat. 5748* (Città del Vaticano 1965), with the edition at 29-52. The manuscript lacks internal rubrics, and Pozzi included in his edition several extraneous pieces [see fol. 11r-15v below]; E. Seckel, *Die erste Zeile Pseudoisidors, die Hadriana-Rezension ...*, ed. H. Fuhrmann [Sb. Akad. Berlin 4; 1959] 14-6; Mordek, *Kirchenrecht* 77 n. 64; Fuhrmann, *Einfluss und Verbreitung* 459 n. 93; F. Lotter, *Der Brief des Priesters Gerhard an den Erzbischof Friedrich von Mainz* [Konstanzer Arbeitskreis für mittelalterliche Geschichte 17; Sigmaringen 1975] 129-33, using this MS in an analysis of variations in the *Ordo*.)
- fol. 11r-v <**Definitio de tumultu concilii patrum**> (See Vat. lat. 4983 fol. 2v-3r for further information.) *Variants:*
(Rubrica) Rubrica *om.* (**Ed.** and **Bibl.** Pozzi, *Il 'De modo celebrandi'* 51-54 and see above fol. 9r-11v.)
- fol. 11v-12v <**Collectio Dionysio-Hadriana, praefationis excerptum**> (See Vat. lat. 1337 fol. 1ra-vb for further information.) *Variants:*
(Finis) sic *pro uel* (**Bibl.** See above, fol. 9r-11v.)
- fol. 12v-15v <**Collectio Dionysio-Hadriana, praefationis Adnotationes I-III**> (See Vat. lat. 4983 fol. 4r-7r for further information.) *Variants:*
(Rubrica) Rubrica *om.* (**Ed.** and **Bibl.** Pozzi, *Il 'De modo celebrandi'* 60-74 and see above, fol. 9r-11 v. For *Adnotatio* II, see also Vat. lat. 1341 fol. 1vb-2rb.)
- fol. 16r <**Tabula conciliorum**>
(Textus) Beatorum apostolorum per clementem prolate. Regule numero .L. ...
(Finis) conciliorum africanorum diuersorum. Regule numero c.xxx.viii. sub uno redactae. (The list of thirteen entries gives the name of each council and the number of its canons. **Ed.** and **Bibl.** Pozzi, *Il 'De modo celebrandi'* 74-76, with the edition at 74-75.)
- fol. 16r-17r <**Dionysius exiguus, Praefatio collectionis ad Stephanum episcopum**>, recensio B
(Inscriptio) Domino uenerando mihi patri Stephano archiepiscopo Dionisius exiguus in Domino salutem. (Textus) Quamuis karissimus frater noster Laurentius assidua ... (Finis) compendium aliquod attulisse uideamur. (**Ed.** CCL 85, ed. F. Glorie, pp. 39-42. **Bibl.** Pozzi, *Il 'De modo celebrandi'* 76-78. Maassen; *Geschichte* 960-61.)

fol. 17v-121v <**Cresconius, Concordia canonum**>, <cum glossis>

(Inscriptio) Domitio uere sancto semperque beato pontifici Liberio Cresconius Christi famulorum exiguus aeternam in Domino nostro salutem. (Praefatio) Vestri sacerdotii incomparabile decus quo fidei ... (fol. 18v) <Tabula titulorum> ... (fol. 27r) (Rubrica) Incipiunt capitula siue concordiae canonum secundum Cresconium. De ordinatione episcopi. In canonibus apostolorum. Titolo I. (Textus) Episcopus a duobus aut tribus episcopis ordinetur ... (Finis) in domu (*sic*) eorum Christianos catholicosque fecerint. (Ed. PL 88.829-942 for the text; F. Maassen, 'Glossen des canonischen Rechts aus dem karolingischen Zeitalter', Sb. Akad. Wien 84 [1876] 235-98 for the glosses, which match those of Ambrosiana MS S.33 sup., also once owned by Bobbio. **Bibl.** Ballerini, *De antiq.coll.*, PL 56.284, Maassen, *Geschichte* 806-13; F. Patetta, *Studi sulle fonti giuridiche medievali* (Torino 1967) 753-61, on the glosses: ZZ Wurm, *Dionysius Exiguus* xi. 37-39 and n. 39, using this MS [siglum Gb]; R. Kottje, 'Einheit und Vielfalt des kirchlichen Lebens in der Karolingerzeit', ZKG 76 [1965] 323-42 at 339 n. 6; see also Vat. lat. 1347 fol. 1r-72v. The text of the *Concordia* is divided into 300 chapters. Canon 275 was added on a small slip of parchment put in between fol. 112 and 113. On the glosses, see A. Gaudenzi, 'Il monastero di Nonantola. Appendice seconda. Sulla scrittura longobarda e la scrittura minuscola e sulla scuola romana dei cantori', *Bullettino dell'Istituto Storico Italiano ed Archivio Muratoriano* 37 (1916) 410-512 at 442-44. The glosses come from three separate traditions. Of the two sets written by the principal scribe, one matches those found by Maassen in several Dionysio-Hadriana MSS; the second set is unidentified. The third group is in a second contemporary hand, while a third, slightly later hand added some shorter notes.)

fol. 122r-v <**De testibus**>

(Textus) Dominus noster Ihesus Christus loquens in euangelio dicens: In ore duorum uel trium testium (II Cor. 13.1, *ex* Matt. 18.16) ... (Finis) auditui haec puterauerit supprimenda. (Colophon) Data v. idus martii uu. ss. (This collection of excerpts on witnesses was drawn from biblical and conciliar sources. The last item is from Gelasius I. Ep. 9. c. 28 [JK 363, Mansi 8.37]. It is followed by a rubric for which the canon was never supplied: 'Vt prime sedis episcopus non appellatur princeps (*sic*) sacerdotum Cap. XXXVIII Affric'.)

fol. 123r-131v <**Concilium Moguntinum I**> (847)

(Inscriptio) Domino serenissimo et Christianissimo regi Hludouuico uere religionis ... una cum uxore ... benedictio cum uictoria sine fine mansura. (Praefatio) Dignissimae reuerentiae uestrae patefecimus nos humillimi ... (fol. 125r) (Rubrica) Incipiunt capituli Rabani Magonensis archiepiscopi. <Tabula titulorum> ... (fol. 125v) (Rubrica textus) De fide cattiolica. Cap. I (Textus) Initium actionis nostrae de fide esse ... (Finis) incontaminata temporibus regni uestri usque in finem seruetur. (Ed. MGH Capit. 2, ed. A. Boretius et V. Krause, pp. 173-84, using this MS: siglum 5.)

Bibl. Pozzi, *Il 'De modo celebrandi'* 10-13, with plates of fol. 9r-17r between pp. 28 and

29; A.L. Gabriel, 'The Decorated Initials of the IXth Century Manuscripts of Bobbio in the Ambrosiana Library, Milano', *Paläographie* 1981, ed. G. Silagi (Münchner Beiträge zur Mediävistik und Renaissance-Forschung 1982) 159-83 at 162 n. 17; P. Collura, *Studi Paleografici. La precarolina e la carolina a Bobbio* (Fontes ambrosiani 22, Milano 1943) 130-32 with a reproduction of part of fol. 27v at table 55, discussing the script and identifying this MS as no. 4.3 of the 1461 catalogue.

The MS is written in several fine Carolingian hands in brown ink. Interlace initials open *De modo celebrandi concilium*, the preface of Dionysius exiguus, and the *Concordia* of Cresconius. A large decorated initial 'D' appears on fol. 121v, at the end of the *Concordia*, but the rest of the page is blank. Capitals are in ink or red; rubrics are red. Space remains for rubrics on fol. 9r-15v. There are marginal notes in various hands, including extensive glosses for the *Concordia* (q.v.) and a single long note on fol. 129v. On fol. 130v a portion of text was erased and replaced. The ex libris 'Liber sancti Columbani de Bobbio' appears on fol. 1r and 27r; a third on fol. 17r was written after Bobbio had joined the Congregation of Santa Giustina in 1449 and refers to an inventory of the congregation's books, c. 1453. The MS was given to Pope Paul V in 1618 (cf. Pozzi, *p.* 13). Quires are marked with roman numerals at the lower edge, sometimes cut away. <I>v contains a list of contents. The MS has a 17th-century binding, red leather over wood, with clasps. <I>r, fol. 8r, and <+I>r-v are blank palimpsests.

Vat. lat. 5749

saec. IXex. (871-880)

antea 137. Prov. Congregation of Santa Giustina, O.S.B., Bobbio, Monastery of San Columbano, O.S.B.

I + 128 fols. memb. 284 (205) x 212 (152) mm, origin Italy (Rome). Quaterniones, saec. IX (871-880).

Ir <Incertus auctor, **Tractatus de musica cum neumis**>, fragmentum

(**Bibl.** *Manuscripts liturgiques*, ed. Salmon II.587. The leaf is taken from a 12th-century MS.)

fol. 1r-127r <**Concilium Constantinopolitanum IV**> (869) (See Vat. lat. 1332 fol. 1r-177r for further information.) *Variants:*

(Rubrica) Causa *pro* Cause <Rubrica textus deest.> (Invocatio) consolatus *pro* consulatus. (Colophon) Finit. Deo gratias. (**Ed.** Anastasius Bibliothecarius, *Praefatio* 5, MGH Epp. 7. ed. E. Casper *et al.*, pp. 403-15, using this MS (siglum V 1); MGH Epp. 6, Karolini aevi, ed. E. Perels, collates the letters of Nicolaus I from this MS (siglum E) at 263, 433 et passim. The penultimate and antepenultimate letters are reversed from the edition cited for the text of the acts. See also Vat. 1at. 4965 fol. 1a^{va}-153vb.)

fol. 10v-126v <**Anastasius Bibliothecarius, Glossae ad Concilium Constantinopolitanum IV**> (869)

(**Ed.** C. Leonardi, 'Anastasio Bibliotecario e l'ottavo concilio ecumenico', *Studi medievali* ser. 3 vol. 8.1 (1967) 163-82, using this MS.)

fol. 127v <Incertus auctor, **Memoratio Agilulfi**>

(**Textus**) Obtulit, ut maneat sacrum per tempora munus ... (Finis) pauendis

flammis eripiat famulum. (**Ed.** MGH Poetae latini aevi Carolini, ed. K. Strecker, p. 1056, using this MS: siglum V₂.)

fol. 128v <**Breviarium**>, fragmentum (Lect. ex 3 Reg. 3,16-3, 24)

(**Bibl.** *Manuscripts liturgiques*; ed. Salmon II.588. The leaf is taken from an 11th-century MS.)

Bibl. ZZ Leonardi, 'Anastasio' 104-10 and 148 for a description of this MS (siglum B); D. Lohrmann, 'Eine Arbeitshandschrift des Anastasius Bibliothecarius und die Überlieferung der Akten des 8. ökumenischen Konzils', QF 50 (1970) 420-31 at 428-29; A.L. Gabriel, 'The Decorated Initials of the IXth-Xth Century Manuscripts from Bobbio in the Ambrosiana Library, Milano'. *Paläographie* 1981, ed. G. Silagi (Münchener Beiträge zur Mediävistik und Renaissance-Forschung 32, München 1982) 159-83 at 162 n. 17; P. Engelbert, 'Zur Frühgeschichte des Bobbieser Skriptoriums', RB 78 (1968) 220-60 at 255-56.

The text was written in Carolingian minuscule by a single scribe using brown ink. Corrections are by the scribe and a contemporary. Major textual divisions are set off by simple capitals, in red or ink-colored, and several lines of display script, also in red or ink, often in lines of alternating color. The glosses are keyed to the text by symbols. On fol. 127v below the dedicatory verses to Agilulfo, abbot of Bobbio (888-96), is a 15th-century ex libris: 'Iste liber est monachorum congregationis sancte Iustine de obseruantia ordinis sancti Benedicti residentium in monasterio sancti Columbani de Bobio, scriptus sub numero 137'. The number 137 also appears at the top of fol. 1r, along with the ex libris 'Liber sancti Columbani de Bobio'. The MS is 137 in Bobbio's 1461 catalogue. Iv has a 15th-century table of contents. In the margin is a reference to the Hardouin signed by A. Mai. A similar reference on fol. 127r is also signed by Mai. Some quires are marked by roman numerals centered on the last verso. I and fol. 128 were originally pastedowns, with Iv and fol. 128r erased and Ir and fol. 128v gluestained. The MS has an early 17th-century binding of wood and leather with traces of clasps. Fol. 128r is blank except for the palimpsest.

Vat. lat. 5750

saec. VII

antea 135. **Prov.** Congregation of Santa Giustina, O.S.B., Bobbio, Monastery of San Columbano, O.S.B.

286 pages memb. 284 (219) x 237 (190) mm, origin Italy (Bobbio?). Quaterniones (olim), saec. VII.

fol. 1-11 **Celestinus <I (s.)>, Epistola ad Nestorium**

(Rubrica) Incipit epistula papae Caelestini ad Nestorium directa. Calcedonensis synodus. (Textus) <Aliquantis ... nefan>dum et saepe damnatum (damnandum cod.) dogma Pelagi<i> atque Caelestii (Caelesti cod.) catholicam ... (Finis) omnes debent nosse quod agitur, quotiens omnium causa tractatur. (Colophon) Explicit epistola Caelestini papae urbis Romae ad Nestorium directa. (**Ed.** *Acta conc. oecum.*, ed. Schwartz. 1.2, pp. 7-12. The salutation and first five words of the text are lacking.)

fol. 12-286 <**Concilium**> **Chalcedonense**, imperfectum (See Vat. lat. 1319 fol. 99ra-240vb for further information.) *Variants*:

(Epistolae praeliminares) (Rubrica) Principium. Rescriptum (*sic*) de fide factum

manu propria Flauiani Constantinopolis archiepiscopi hinc incipit actio prima synodi Calcidoninsis (*sic*). (Inscriptio) Constantinopolis *pro* Constantinopolitanus; Theodosio *pro* Theodosio (Acta) (Rubrica) Actio prima synodi Calchedonensis. (Textus) ... nontiatu (*sic*) sub die octabu (*sic*) ... (Finis) Praeces quae a uiro religioso Eutyche presbytero inuictissimis principibus (*sic*) porrectae sunt /// (**Ed.** *Acta conc. oecum.*, ed. Schwartz, 2.3.1, pp. 5-23; 2.3.2, pp. 553-61; 2.2.2, pp. 113-14; 2.3.1, pp. 27-166.27, using this MS (siglum P). The text is in a convoluted order. The customary preceding letters are followed by the address of the council to Marcian and the *Florilegium* which usually close the accounts of the council. Next comes Marcian's edict 'Tandem aliquando ...' and then the beginning of the first session, which breaks off with the end of the codex.)

Bibl. *Acta conc. oecum.*, ed. Schwartz, 2.3.1, pp. viii-x for a description of the MS; ZZ Lowe, CLA I, nos. 26-31, with plates of pages 46, 202, 5, 94, 12, 78, and 210; P. Engelbert, 'Zur Frühgeschichte des Bobbieser Skriptoriums', RB 78 (1968) 220-60 at 238, 240-42, and 260; C. Leonardi, 'Il testo dell'Ascensio Isaiae" nel Vat. lat. 5750', *Christianesimo nella storia* 1 (1980) 59-74; K. Silva-Tarouca, 'Die Quellen der Briefsammlungen Papst Leos des Grossen', *Papsttum und Kaisertum. Forschungen ...* Paul Kehr (München 1926) 23-47 at 45; see also M. Buonocore, *Bibliografia dei fondi manoscritti della Biblioteca Vaticana*, 2 vols. (Studi e testi 318-319, Città del Vaticano 1986) nos. 25412-25 for works on the palimpsest texts.

The MS was written in three different 7th-century half-uncial hands, all in black ink. The whole MS is a palimpsest of 5th- and 6th-century primary scripts (Cicero De republica); cf. Lowe. The codex is the first volume of two surviving from a multi-volume set, the second of which is Milan, Ambrosiana E 147 sup. Many of the leaves are in bad condition, worsened by the application of chemicals to clarify the primary script. Some leaves are now illegible. On page 95 the beginning of the first session is set off by an orange rubric and a large capital with a geometric design. On page 1 a later hand added at the top the title 'Incipit epistola Celestini papae urbis Rome ad Nestorium directa, Calcedonensis synodus' and, at the bottom, 'Liber sancti Columbani de Bobio'. The number '135' on the folio corresponds to the entry for this MS in Bobbio's 1461 inventory. Some of the leaves are marked with 'Q' plus a Roman numeral, but they do not appear in order. The MS has been taken from its binding; the separate leaves are paginated and kept between cardboards. Page 164 shows only the primary script.

Vat. lat. 5751

saec. IXex.

antea 57. Prov. Congregation of Santa Giustina, O.S.B.; Bobbio, Monastery of San Colombano, O.S.B.

78 fols. memb. 230 (193) x 140 (125) mm, origin North Italy (Verona or Bobbio?).
Quaterniones, saec. IXex.

fol. 1r-3v **Concilium Agathense** (506)

(Rubrica) /// Agathensi sub die /// Regis. (Textus) Cum in Dei nomine ex permissu <domini nostri glorio>ssissimi magnificentis<simique> ... (Finis) constituta patrum, annis singulis placuit congregari. (Subscriptiones) ... septembris anno xxii regni domini nostri Alarici regis. Finit. (**Ed.** CCL 148, ed. C. Munier, pp. 192-213, not using this MS, which varies somewhat from the edition.

The letter which should appear between c. 9 and c. 10 is lacking.)

fol. 3v-8r <**Halitgarus episcopus Cameracensis, Poenitentiale, liber VI**>

(Rubrica) <Incipit qualiter> suscipere debeant penitentem episcopi uel presbyteri. (Prologus) <Q>uotiescumque Christiani ad penitentiam accedunt ieiunia ... (fol. 4v) (Rubrica textus) Incipit ratio ad dandam penitentiam. (Textus) <I>n primis dicit psalmum xxxvii totum: Domine ... (Finis) si iam egit penitentiam potestatem habet. (**Ed.** *Commentarius historicus de disciplina in administratione sacramenti poenitentiae*, ed. J. Morin (Paris 1651) app. 6-10, and F.W.H. Wasserschleben, *Die Bussordnungen der abendländischen Kirche* (Graz 1851; repr. 1958) 360-76. **Bibl.** Maassen, *Geschichte* 863-69; R. Kottje, *Die Bussbücher Halitgars von Cambrai und des Hrabanus Maurus* (Beiträge zur Geschichte und Quellenkunde des Mittelalters 8; Berlin 1980) 106 n. 76; H.J. Schmitz, *Die Bussbücher und das kanonische Bussverfahren* (Düsseldorf 1883; repr. Graz 1958) II 290-300. [=Die Bussbücher II]).

fol. 8r-v <**Canones conciliorum Francorum, s. vi**>

(Rubrica) Incipit sinodus Aralatensis qui (*sic*) ad didicationem (*sic*) basilicae sanctae Mariae conuenerunt. (Textus) Hoc inter se obseruandum esse diffiniunt ... (Finis) ut nullus uiuenti episcopo alius ... quem culpa capitalis deiecerit. Explicit. (**Ed.** MGH Conc. I, ed. F. Maassen, pp. 36-37, 56-57, 76-77, 95, 104. Presented by the scribe as an entity, the canons are actually from several councils, being 1) Arelatense III (524), the second half of c. 1 and c. 2; 2) Vasense II (529) cc. 3-5; 3) Aurelianense III (538) c. 9(8) and c. 11(10) (second half only); 4) Aurelianense IV (541) c. 36; and 5) Aurelianense V (549) c. 12.)

fol. 9r-11v <**Collectio Dacheriana, praefatio**>

(Rubrica) Incipit de utilitate poenitentiae et quomodo credendum sit de remissione peccatorum per poenitentiam. (Textus) Exepto (*sic*) baptismatis munere quod contra peccatum ... (Finis) modos uindictam et censuram canonum aestimare. (**Ed.** *Spicilegium sive collectio* ed. D'Achery 510-12. **Bibl.** Mordek, *Kirchenrecht* 260; idem, 'Zur handschriftlichen Überlieferung der Dacheriana', QF 47 (1967) 574-95 at 574 n. 2; Kottje, *Die Bussbücher Halitgars* ... 167 n. 73; see also Vat. lat. 1347 fol. 80r-143v.)

fol. 11v-14v <**Pseudo->Johannes Chrysostomus, De poenitentia**>

(Rubrica) In Christi nomine incipit de poenitentia Iohannis Ovis Aurei. (Textus) Prouida mente et profundo cogitatu cognoscere debent ... (Finis) misericordiam Dei. Et inuenies requiem in vitam aeternam. Amen. (**Ed.** *Iohannes Chrysostomus opera omnia*, ed. F. Ducaeus, 6 vols. (Antwerp 1614) V 361-2, but the text here is much longer than that of the edition, which ends with the words 'atque perfectam promerebitor indulgentiam' (*sic*) on fol. 13r. **Bibl.** Mordek, *Kirchenrecht* 236-7; A. Siegmund, *Die Überlieferung der griechischen christlichen Literatur in der lateinischen Kirche bis zum zwölften Jahrhundert ZZ* (Abhandlungen der Bayerischen Benediktiner-Akademie 5; München 1948) 98 n.3.)

fol. 14v-15r <**Poenitientiale Merseburgense a, praefatio**>

(Rubrica) Incipit de octo uitia principalia (*sic*). (Textus) Octo sunt uitia principalia quae humanum genus infestant ... (Finis) legis anima aduersione (*sic*) plectantur sentiendum est. (**Ed.** Wasserschele, *Die Bussordnungen* 387-88; **Bibl.** G. Hägele, *Das Poenitientiale Vallicellianum I* (Quellen und Forschungen zum Recht im Mittelalter 3; Sigmaringen 1984) 36 and n. 72, 83. The original source of this material is Johannes Cassianus, *Collationes* V 2 and 16.)

fol. 15r-16r <Incertus auctor, **Ad dandum poenitentiam**>

(Rubrica) Quomodo debent consilium Christiani dare propter qualitate (*sic*) animarum. (Textus) Insinuamus caritati uestre quoniam multi antiquorum beatissimorum ... (Finis) nisi per lacrimas et orationem dominum deprecantes. (**Bibl.** Hägele, *Das Poenitientiale Vallicellianum I* 83-84. This unidentified piece frequently appears with the Merseburg and Vallicelliana penitentials. It seems to be part of a pastoral letter, perhaps of papal origin.)

fol. 16r-17v Incertus auctor, <**De remissionibus peccatorum**>

(Rubrica) Incipit de sacrificiis et remissione fra///rum. (Textus) Sed fortasse dicant auditores aecclēsiae: Melius fere ... (Finis) reddere altissimo uota sua, per Ihesum Christum dominum nostrum. (Part of a tract, relying heavily upon Scripture, which includes Origen's list of the seven ways to gain remission of sins.)

fol. 17v-18r <**Poenitientiale Cummeani, praefatio**>

(Rubrica) Item de remissionibus peccatorum. (Textus) De remediis uulnerum secundum priorum patrum ... (Finis) commisit a licitis cohercere se debet. (**Ed.** *The Irish penitentials*, ed. L. Bieler (Scriptores latini Hiberniae 5; Dublin 1963) 108-10. **Bibl.** J. Zetinger, 'Das Paenitientiale Cummeani', AKKR 82 (1902) 501-40; Kottje, *Die Bussbücher Halitgars* ... 114 and n. 105.)

fol. 18r-29r **Halitgarius episcopus Cameracensis, Poenitientiale**, excerptum (praefatio, lib. I-II)

(Rubrica) De poenitentis (*sic*) utilitate excerptio Alitgarii episcopi. (Praefatio) Quamuis originalia in baptismatis munere gratia mediatoris ... (fol. 19v) (Textus) A paradysi gaudiis postquam expulsum est ... (Finis) breuiter in sequentis operis libello inserendum. Explicit li<ber secundus>. (**Ed.** PL 105.653-78. **Bibl.** Kottje, *Die Bussbücher Halitgars* ... 106 n. 76, 154 n. 5, 161.)

fol. 29r-30r **Gregorius I (s.), Epistola Secundino seruo Dei inclauso**, <excerptum> (JE 1673)

(Rubrica) Hoc capitulum est de epistola Sancti Gregorii pape ad Secund<inum> inclausum. (Inscriptio) Dilectissimo filio Secundino seruo Dei inclauso Gregorius seruus seruorum Dei. (Textus) Dilectionis tuae litteras suscepi quae in meo sensu ... (Finis) peccatores per sanguinem suum redimere uenit. (**Ed.** MGH Epp. 1, ed. P. Ewald and L.M. Hartmann, 142 lin. 23-28, 146 lin. 12-147 lin. 36 (related to the text of Pa2 of the edition), and now Kottje, *Die Bussbücher Halitgars* ... 239

and 280-82, using this MS.)

fol. 30r-v **Isidorus Hispalensis (s.), Epistola ad Massonem episcopum** (dubia vel spuria see Vat. lat. 1344 fol. 113rb and 46ra for further information.) *Variants:* (Rubrica) Incipit epistola Hysidori ad Masonem episcopum. (Inscriptio) Masoni pro Masonio; (Textus) Nicetio pro Niceto; (Finis) potior pro potius. Explicit epistola. <Datum deest.> (**Ed.** PL 83.899-902.)

fol. 31r-41v <**Epitome hispanica**>

(Rubrica) In nomine Domini nostri Ihesu Christi incipit excerptum de canonibus sententie tractum ex libro Bracarensi Martini episcopi Gallitiae de diuersis conciliis. (Textus) Vt populus non eligat episcopum nisi sacerdotes qui eum ... (Finis) si delectus fuerit et abstinerit de malo stet in ordine suo. (**Ed.** G. Martínez Diez, 'El Epitome hispánico. Una coleccion canonica española del siglo VII', *Miscelanea Comillas* 36 (1961) 5-90 and 37 (1962) 321-466 (text), using this MS (siglum R). The text ends with an excerpt from the thirty-first letter, p. 455 of the edition. **Bibl.** *Martini episcopi Bracarensis opera omnia*, ed. C.W. Barlow (Papers and monographs of the American Academy in Rome 12; 1950) 88; M. Coquin, 'Le sort des *Statuta ecclesiae antiqua* dans les collections canoniques jusqu'à la *Concordia* de Gratien', *Recherches de théologie ancienne et médiévale* 28 (1961) 193-224 at 199 n. 16; *Les statuta ecclesiae antiqua*, ed. C. Munier (Bibliothèque de l'Institut de droit canonique de l'université de Strasbourg 5; Paris 1960) 52 and 68.)

fol. 41 v-42r **Theodorus <episcopus Cantuariensis (s.)>, Canones**, excerpta (Rubrica) Excerpta Theodori de canonibus. (Textus) In ordinatione episcopi ipse debet missam cantare ... (Finis) constituatur nisi cum satisfactione emendauerit. (**Ed.** and **Bibl.** P.W. Finsterwalder, *Die Canones Theodori Cantuariensis und ihre Überlieferungsformen* (Weimar 1929) 253-55 or Wasserschleben, *Die Bussordnungen* 160-63. The excerpts consist of cc. 1-8, 12-16, 21-25, und 29-31, in a version similar to Finsterwalder's version E.)

fol. 42r-49r <**Poenitentiale "capitula iudiciorum aucta"**>

(Rubrica) I. De Homicidio II. De sanguinis ... barbaris. ZZ Iudicium canonicum. (Textus) Si quis homicidium fecerit episcopus XV ... (fol. 48v) (Finis) confessionis unius momenti meruit esse in paradyso. (Additiones) Pro defuncto manacho (*sic*) missas (*sic*) agantur ... (Finis additionum) sed euangelium legens super humeros ponat. (**Ed.** Wasserschleben, *Die Bussordnungen* 505-26 or Schmitz, *Die Bussbücher* II 217-51, and 641-42 for the *additiones* which are taken from the *Excarpsus Cummeani* cc. 7-15, 20. **Bibl.** L. Mahadevan, 'Überlieferung und Verbreitung des Bussbuchs "Capitula Iudiciorum"', *ZRG Kan. Abt. 72* (1986) 17-75; P.B. Asbach, *Das Poenitentiale Remense und der sogen. Excarpsus Cummeani* (Inaugural Dissertation: Regensburg 1975) 187-99; Wasserschleben, *Die Bussordnungen* 492-93; Schmitz, *Die Bussbücher* II 204-17.)

fol. 49r-v <**Pseudo->Clemens I, Epistola ad Jacobum** (JK † 11)

(Rubrica) Incipit epistola sancti Clementis pape urbis Romae de sacramentis dominici corporis. (Textus) Quoniam sicut a Petro accepimus omnium apostolorum patrem (*sic*) qui clauces ... (Finis) audierit. Immo domino loquente pro te ipse damnationem accipiet. (Ed. Similar to PL 56.893-96. **Bibl.** Hägele, *Das Paenitentiale Vallicellianum I* 87 and n. 16.)

fol. 49v-50r **Ordo ad dandam poenitentiam <cum orationes duae>**

(Rubrica) In Christi nomine incipit ordo ad dandam penitentiam. (fol. 50r) (Ordo) Primum interrogas eum facinora sua et post confessionem ... (Oratio) (Rubrica) Prefatio. (Textus) Deus qui propter iustum iudicium diuina clementia sua ... (Oratio) (Rubrica) Ad reconciliandum penitentem. (Textus) Sacre beniuolentie Domini (*sic*) et bonitatis ingenite Deus qui inclinatos erigit lapsos ... (Finis) et sacro altario (*sic*) suo communicationem restituat per Dominum.

fol. 50r-52v <**Poenitentiale Merseburgense a**, forma altera cum praefatione poenitentialis B. sancti Columbani>

(Rubrica) Incipit iudicium patrum quod instituerunt sancti patres ad paenitentes. (Praefatio) Diuersitas culparum diuersitatem facit paenitentiarum ... (Textus) Si quis clericus homicidium fecerit et proximum suum occiderit ... (fol. 52r) (Finis) et dum penitentiam non agit, non communicet. (Epilogus) Penitentia uera est preterita mala commissa deflere et genere ... illico fugit a te. Dominus tecum est. Ne timeas demonem. Explicit iudicium patrum. (Ed. Schmitz, *Die Bussbücher I* 596 for the preface, and II 351-56 and 359-68 for the penitential, differing slightly from both. **Bibl.** L. Mahadevan, ZZ (Anführungsstriche) 'Überlieferung und Verbreitung des Bussbuchs 'Capitula Iudicorum'', 'ZRG Kan. Abt. 72 (1986) 17-75 at 41 und n. 111; J.T. McNeil and H.M. Gamer, *Medieval handbooks of penance* (New York 1965) 66, 449; Hägele, *Das Paenitentiale Vallicellianum I* 43-48, 54, 64-68. explaining the relationship between the true Merseburgense a this copy, and the 'Vindobonensis'. The epilogue remains unidentified.)

fol. 52v-54v <**Carolus magnus, Admonitio generalis a. 789**>, imperfecta

(Textus) Sunt enim aliqui qui culpis exigentibus ab episcopo ... (Finis) de benignitate et misericordia, de aelemosinis et confessione peccatorum suorum /// (Ed. MGH Capit. I, ed. A. Boretius, pp. 54 lin. 12-62 lin. 5. The text lacks the preface and the addresses of the individual canons and breaks off at the bottom of the page. The MS seems to be of the same family as MS 12 of the edition. Canons 64, 73, and 81 are incomplete; canons 67, 68, and 72 are missing. Canon 82 has a variant incipit.)

fol. 55t-62r, 63r-71v, 72r-75r <**Collectio Thessalonicensis**>

ZZ Christe faue votis Synodus Romana Bonifatii pape II Sessio prima. Post consulatum Lampadii et Orestis uu. cc. sub die vii iduum Decembrium (Finis) auctoritas et dileccionis tuae honorificencia seruaretur. (Colophon) Data xiiii kl. octub. Monaxio u.c. conss. Item recitata est. (Ed. *Epistolarum romanorum pontificum ad vicarios per Illyricum aliosque episcopos collectio*

Thessalonicensis, ed. C. Silva-Tarouca (Textus et documenta, ser. theol. 23: Roma 1937), from this MS, and discussing the MS at viii-xv. The text is complete, although there are two breaks, at fol. 62r and 71v; modern notes direct the reader to the continuations at 63r und 72r. **Bibl.** Maassen, *Geschichte* 766-67; H. Fuhrmann, 'Ein Bruchstück der Collectio Ecclesiae Thessalonicensis'. *Traditio* 14 (1958) 371-77 at 375 n. 24 and 376 nn. 25-26; E. Schwartz, 'Die sogenannte Sammlung der Kirche von Thessalonich', *Festschrift für Richard Reitzenstein*, ed. E. Frankel (Leipzig 1931) 137-59, especially 144-57, using this MS and printing excerpts at 147-49 and 152-54; ZZ Wurm, *Dionysius Exiguus 103*; *Acta conc. oecum.* 4.2.4, ed. E. Schwartz, p. x; F. Streichhan, *Der Anfang des Vikariates von Thessalonich*. ZRG Kan. Abt. 12 (1922) 330-84 at 333.)

fol. 62v <Incertus auctor, **Carmen Adelhardo episcopo Veronensi**>

ZZ Sid<erum> factor dominusque celi 1 ... (Rubrica) /// carmen Addardo episcopo (Finis) spiritus compar sociatus eque 1 Glorificetur. Amen. (Ed. and **Bibl.** M. Carrara, 'Per un vescovo veronese del secolo X: il *Carmen Adalhardo episcopo*', *Scriptorium* 9 (1955) 271-73; also, MGH Poetarum latinorum medii aevi III, ed. L. Traube, pp. 693-95, both from this MS.)

fol. 71v <Incertus auctor, **Lamentum refugae cuiusdam**>

(Rubrica) Lamentum R<efugae> cuiusdam. (Textus) <A.> Nocte dieque gemo, quia sum peregrinus ... (Finis) <uiuere sic poteris> (Ed. and **Bibl.** MGH Poetarum latinorum medii aevi III, ed. L. Traube, pp. 688-89, from this MS.)

fol. 75v **Gregorius I (s.), <Homelia in Evangeliam VIII>**

(Rubrica) Gregorii papae die natalis Domini. (Textus) <Quia lar>giente domino missarum sollempnia ter hodie celebraturi ... (Finis) quia propter te factus est Deus homo. Finit. (Ed. PL 76.1103-05. The text lacks the closing formula of the edition.)

fol. 76r-v <**Augustinus episcopus Hipponensis (s.)**>, **Sermo in nativitate Domini**

(Rubrica) Sermo de natiuitate Domini. (Textus) Praeclara hodie saluatoris et Domini nostri gloriosa natiuitas ... (Finis) celebrantes conlaudemus ingenitum patrem per Christum eius et nunc et in eterna secula seculorum. Amen. (Ed. *Noua patrum bibliotheca*, ed. A. Mai, 8 vols. (Roma 1851-57) I 461-62, from this MS.)

fol. 76v-77r <**Pseudo-Augustinus, Sermo in nativitate Domini VII**>

(Textus) <Natiui>tas Domini nostri Ihesu Christi totum mundum noua aduentus ... (Finis) cum patre et spiritu sancto uiuat et regnat in secula seculorum. (Ed. PL 39.1990-91 [appendix].)

Bibl. F. Maassen, 'Bibliotheca latina iuris canonici manuscripta', Sb. Akad. Vienna 53 (1866) 373-427 at 399-400; Arévalo, *Isidoriana* PL 81.811-13; Ballerini, *De antiq. coll.* PL 56.190-92; P. Collura, *Studi Paleografici. La precarolina e la carolina a Bobbio* (Fontes ambrosiani 22, Milano 1943) 133-34 (plates 63-67 = parts of fol. 24v, 35r, 62v, 71v, and 74v), identifying this MS as no. 57 of the 1461 Bobbio inventory and discussing

the place of origin; *Les statuta ecclesiae antiqua*, ed. C. Munier (Bibliothèque de l'Institut de droit canonique de l'université de Strasbourg 5; Paris 1960) 52; R. Kottje, *Die Bussbücher Halitgars von Cambrai und des Hrabanus Maurus* (Beiträge zur Geschichte und Quellenkunde des Mittelalters 8, Berlin 1980) 73-74 (describing the MS) and 221-22; G. Hägele, *Das Paenitentiale Vallicellianum I* (Quellen und Forschungen zum Recht im Mittelalter 3, Sigmaringen 1984) 36-37, describing the MS (siglum V₂₃), et passim; L. Mahadevan, 'Überlieferung und Verbreitung des Bussbuchs "Capitula Iudiciorum"', ZRG Kan. Abt. 72 (1986) 17-75, describing the MS (siglum V₂₃) at 37-41; P.B. Asbach, *Das Poenitentiale Remense und der sogen. Excarpsus Cummeani* (Inaugural Dissertation; Regensburg 1975) 369-71 nn. 33-36.

The MS is written in Carolingian minuscule by several hands in brown ink. Initials are in red or ink, usually undecorated. Rubrics are in orange display script. Beginning at fol. 55 there is no color except for occasional phrases washed in yellow on fol. 55r-71r. Fol. 1-8 appear to be misbound; fol. 8v is marked 'iiii' in the lower margin, while fol. 38v is marked with 'v'. Many of the leaves are badly worn and difficult to read. The outside edges of the first quire are heavily repaired, with some attempt to save the occasional marginal notes. Fol. 2r has the ex libris 'Liber sancti Colombani de Bobio' and the old shelf mark '57.' In the lower margin of fol. 54v is a modern note 'Hic desiderantur folia licet numerus sequatur'. At the beginning of the *Collectio Thessalonicensis* (fol. 55r), L. Holste has written 'Synodus Romana Bonifatii P.P.II.' and, in the margin, 'sess. p^a. One of the notes to guide the reader of the *Collectio Thessalonicensis* (on fol. 67r) is signed by Annibale Albani (cardinal 1711-51). Other notes are by Angelo Mai (e.g. on fol. 62v and 73v). The MS is ruled in dry point; prickings are sometimes visible. The MS has a 19th-century parchment binding. Fol. 78r is blank except for a *probatio pennae*; fol. 77v and 78v are blank.

Vat. lat. 5766

saec. V-VIII

antea 44. Prov. Congregation of Santa Giustina, O.S.B.; Bobbio, Monastery of San Columbano, O.S.B.

100 fols. memb. 283 (168) x 230 (156) mm, origin Italy (Bobbio?). Quaterniones (*olim*), saec. V-VIII.

fol. 1r-100r <**Johannes Cassianus, Collationes**>, imperfectae (Coll. 4.12-10.14)
(Textus) ///tias anime uoluntas in meditulleo quodam uituperabili consistens ...
(Finis) Si modo sanam et integram mentis intentionem iugi ad Deum uersiculi huius meditatione seruauerint (seruauerant cod.). (**Ed.** PL 49.597-844.)

fol. 17-24, 58-63, 82-100, passim <Incertus auctor, **Fragmenta vaticana iuris anteiustiniani**>, in palimpsesto
(fol. 60v) (Rubrica) <Ex empto> et vendito. (Textus) <Qui a muliere> sine tutoris auctoritate sciens rem Mancipi emit (fol. 59r) (Finis) ///care autem cognitorem /// ZZ (**Ed.** *Codicis Vaticanus n. 5766 in quo insunt iuris anteiustiniani fragmenta quae dicuntur vaticana exemplum addita transcriptione notisque criticis*, ed. T. Mommsen (Berolini 1860).)

fol. 25-43, 46-48, passim <**Theodosius II, Codex theodosianus**>, fragmenta in palimpsesto (Cod. 14.4.3-16.6.7)
(**Bibl.** *Theodosiani libri xvi cum constitutionibus sirmondianis*, ed. T. Mommsen,

I. 1 (Berolini, 1905) lviii (siglum W), giving the Bobbio shelfmark. **Bibl.** F. Patetta, *Studi sulle fonti giuridiche medievali* ZZ (Torino 1967) 665-67, 669-88.)

fol. 44-45 <**Lex Romana Burgundiorum**> idest Papianus, fragmentum in palimpsesto (tit. 28-36)
(**Bibl.** MGH LL in 4°, ed. L.R. de Salis, pp. 65-69, [siglum A 1], or, earlier, MGH LL III, ed. F. Bluhme, pp. 582-84 [siglum A], reproducing the exact copy of the folios at 582-83. **Bibl.** G. Chevrier et G. Pieri, *La loi romaine des Burgondes* (Ius romanum medii aevi I, 2 b aa & Mediolani 1969), esp. 11(-12) n. 29.)

Cat. Lowe, CLA I pp. 14-16, nos. 44-49 and plates; P. Engelbert, 'Zur Frühgeschichte des Bobbieser Skriptoriums', RB 78 (1968) 210-60 at 222.

The over-text is an uncial of the eighth century with red rubrics and colophons. According to Lowe this text was copied at Bobbio. There are some running titles, and a modern hand has collated the Cassianus text with another copy. According to Lowe there are three uncial undertexts: (a) fol. 17-24, 58-63, 82-100 (saec. V); (b) fol. 25-43, 46-48 (saec. VII); (c) fol. 44-45 (saec. VII-VIII). Extensive discoloration has resulted from the use of reagents in the 19th-century; see Patetta's discussion at 671-72. Fol. 100v has no overtext. The MS is no longer bound, but is kept loose between cardboards. Fernando Betancourt, El libro anonimo "De interdictis" Cod. Vat. lat. 5766.

Vat. lat. 5773

saec. XIV/XV (1395, ca. 1411)

Scr. Johannes de Bellebonis de Angleria.

<II> + VII + <VIIa-b> + 178 fols. + <II> chart. 409 (352) x 290 (243) mm, origin Italy (Savonna). Quiniones et Seniones, saec. XV (1395, ca. 1411).

Ira-VIIvb, fol. 11vb, 38v-40vb, 46ra-47rb, 50vb, 75vb-76ra, 84ra-rb, 84vb, 174ra-175rb
<**Auctores varii, Consilia**>, nominantur: Angelus de Ubaldis (Vrb-va); Baldus de Ubaldis (Ira, Ivb-IIrb [**Ed.** Baldus, *Consilia* 3 no. 449], IIvb-IIIvb [**Ed.** Baldus, *Consilia* 5 no. 447], IIIvb-IVra, IVra, IVrb, IVva-vb [**Ed.** Baldus, *Consilia* 5 no. 465], IVvb-Vra [**Ed.** Baldus, *Consilia* 3 no. 452], Vva-vb, fol. 11vb [**Ed.** Baldus, *Consilia* 4 no. 491]); Bartolus de Saxoferrato (Ira-rb [**Ed.** Bartolus, *Opera* 10 fol. 27rb-va], Irb [**Ed.** Bartolus, *Opera* 10 fol. 28ra-rb], IVrb, fol. 47ra, 47rb [**Ed.** Bartolus, *Opera* 10 fol. 42ra-rb], 84ra-rb); Cato de Sacchis (VIIvb); Collegium Florentinum (Irb); Collegium Papiense (VIvb-VIIra); Franciscus Zabarella (IIvb); Franciscus Tigrini (Irb); Fredericus de Petrucciis de Senis (fol. 40vb), Gilius de Guidobonis (VIIvb); Honofrius de Bartolinis (IVra), Jacobus de Isolani (Ira); Johannes de Lucino (fol. 40ra); Lopus (fol. 47ra-rb); Luchinus de Curte (VIra-rb); Marcus de Angelellis (IVra-rb); Martinus Garatus Laudensis (VIra-rb, VIrb-vb, VIvb-VIIra, VIIra-vb); Petrus de Ancharano (IIva-vb); Petrus de Forno (fol. 40ra); Petrus de Ubaldis (IVra, fol. 38v-39r); Segura de Nigro (fol. 37r); Signorinus de Homodeis (Iva-vb); Signorolus de Homodeis (IVrb-va, fol. 174ra); Simon de Hencia (fol. 40rb-va) (**Bibl.** Maffei, *La Donazione* 277 n. 2); Tubertus de Tortis (VIra-rb); Incerti auctores (Vra-rb, fol. 39r-v, 46ra-va, 46va-vb, 50vb, 75vb-76ra, 84vb).

Vvb, fol. 1ra-11va, 12ra-vb, 38r-v, 47rb, 156ra-171va <**Auctores varii, Repetitiones**>, nominantur: Angelus de Ubaldis, Repetitio 1. *Si vacantia* (Cod. 10.10.5) (fol. 156ra-165ra); Baldus de Ubaldis, Repetitiones 1. *Confesso* (Cod. 7.59.1) (fol. 1ra-11va) (**Ed.** Baldus, *Opera* 8 fol. 85va-90va), 1. *Rem maioris pretii* (Cod. 4.44.2) (fol. 165ra-171va); Bartolus de Saxoferrato, Repetitio 1. *Creditores* (Cod. 8.13.3) (fol. 12ra-vb; 172ra-173vb) (**Ed.** Bartolus, *Opera* 8 fol. 96vb-98vb); Johannes de Castellione, Repetitio c. *Intellecto* (X 2.24.33) (fol. 38r-v); Incertus auctor, Repetitio 1. *Si certis annis* (Cod. 2.3.28) (Vvb).
 ZZ fol. 11va: Explicit lex *confessos* ... per ... Baldum de Perusio 1395 die XVIII augusti (alia manu) in triumphanti studio Papiensi me audiente.

fol. 11va, 36vb-38r, 39r-v, 39va-40ra, 40va, 47rb, 84va-vb, 171va, 172ra-173vb <**Auctores varii, Lecturae**, excerpta>, nominantur: Angelus de Ubaldis, Lecturae 1. *Iudicio* (Cod. 3.1.1) (fol. 37r-v), 1. *Argentarium* 24 (Dig. 5.1.45) (fol. 37v); Baldus de Ubaldis, Lecturae 1. *Tale pactum* (Dig. 2.14.40) (fol. 37r) (**Ed.** Baldus, *Opera* 1 fol. 155rb), 1. *Omni* (Cod. 1.2.6) (fol. 37v) (**Ed.** Baldus, *Opera* 5 fol. 18va), tit. De fide instrumentorum (Cod. 4.21) (fol. 47rb) (**Ed.** Baldus, *Opera* 6 fol. 57vb-58ra); Cinus de Pistorio, Lectura 1. *Data* (Cod. 9.1.11) (fol. 11va) (**Ed.** Cinus, *In Codicem ... Commentaria*, 2 vols. (Francoforti ad Moenum 1578; anast. repr. Torino 1964) II fol. 533vb-534ra); Johannes de Lignano, Lectura c. *Martinus* (X 4.11.4) (fol. 40va); Petrus de Ancharano, Lectura c. *Ea quae* (Sext. 5.13.6) (fol. 36vb, 37v) (**Ed.** Petrus de Ancharano, *Super Sexto Decretalium acutissima commentaria* (Bononiae 1583) 579a, 576a-577a, 570b-571b); Incertus auctor, Lecturae 1. *Si quis pro eo* (Dig. 46.1.56) (fol. 39r-v). 1. *Auctor* (Cod. 4.19.23) (fol. 39va-40ra), 1. *Illud* (Dig. 40.12.13) (fol. 84va-vb), 1. *Qui aliena* (Cod. 4.50.8) (fol. 84vb), § *Denique* (Dig. 39.3.1.23) (fol. 171va), 1. *Si primus* (Dig. 39.3.17) (fol. 171va).

fol. 13ra-36vb <**Bartolus de Saxoferrato, Lectura in primam Codicis partem**>, imperfecta (Cod. 1.1-1.18.10 in med.) (See Vat. lat. 2288 fol. 1ra-152vb for further information.) *Variants*:
 (Rubrica) Summa Trinitate et fide catholica (*sic*). <Invocatio et inscriptio desunt.> (Textus) Hic glossa *pro* Glossa prima (Finis) tantum non sic remanet defensata /// (**Ed.** Bartolus, *Opera* 7 fol. 1ra-31ra no. 20 in med.)

fol. 41ra-45ra **Bartolus <de Saxoferrato, Tractatus de testibus>**, imperfectus (See Vat. lat. 2289 fol. i^{ra}-xi^{va} for further information.) *Variants*:
 (Textus) personas add. *post* circa (Finis) Potest etiam per peritorum examinationem probari. (Colophon) Bartolus legum doctor etc. (**Ed.** Bartolus, *Opera* 10 fol. 158vb-161va no. 65.)

fol. 45ra-46ra **Bartolus de Saxoferrato, <Tractatus de alimentis>** (See Vat. lat. 2289 fol. xi^{va}-xiii^{ra} for further information.) *Variants*:
 (Textus) Quia in lege precedenti facta est mentio alimentorum ideo hic in primis tractatum de alimentis inserere bonum est ... (Finis) in § *pro* iii; et *om.* (Colophon) Deo gratias Amen. Expleta est materia alimentorum compillata per dominum

Bartolum de Saxoferrato. (This version has the first phrase rewritten for use of the text as a supplement to a lecture.)

fol. 47va-50vb **Nicolaus de Matharellis, Tractatus de instrumentis**

(fol. 47v) (Rubrica) Tractatus super instrumentis per Nicolaum Matharellum. (fol. 47va) (Textus) Circha instrumentorum materiam expediendam potest dubitari primo qualiter instrumentum conficiatur ... (Finis) pro scriptura probatoria siue sit efficat (*sic*) siue inefficax siue facta siue fienda. (Colophon) Deo gratias. Amen. Explicit tractatus scripture probatorie confectus per excellentissimum doctorem dominum Nicolaum de Matharellis de Mutina iuris utriusque (*sic*) professorem.

fol. 51ra-75va <**Petrus Antibolus, Tractatus de muneribus et honoribus, excerptum**>

(Invocatio) In nomine Domini. Amen. (Rubrica) De muneribus honoribus et plene per /// (fol. 51ra) (Rubrica secunda) Tractatus de muneribus et oneribus. (Textus) Multiplex est diuisio munerum. Prima diuisio hec (est *add.cod.*) Munerum aliud (alia *cod.*) est personale ... (Finis) ut notorie ubique de facto uidemus maxime in castris et uillis (castris uillis et locis *cod.*) baronum etc. (Subscriptio) Antibolus. (Ed. TUI 12 fol. 19rb-51vb from 32vb.)

fol. 76va-83rb **Bartolus <de Saxoferrato>, Tractatus de represaliis** (See Vat. lat. 2244 fol. 106ra-114vb for further information.) *Variants:*

(Rubrica) Tractatus represaliarum per Bartolum. (Praefatio) materia *om.*, statuto *pro* statu (Textus) tractatus *pro* tractaturus; queremus *pro* querimus (Finis) Amen *pro* etc. (Bibl. Quaglioni, *Politica e diritto* 24-29.)

fol. 83rb-vb <**Franciscus Tigrini, Tractatus de instrumentis**>, fragmentum

(Rubrica *marg.*) Tractatus instrumentorum non completus. (Textus) Instrumentorum materia frequens est et probationum species utilis ad quam declarandam infrascripta subitiam ... (Finis) in confessis non in obligatione nam ibi ex precedenti causa /// (Bibl. The incipit matches one from Dillinger XV, 93 in Dolezalek, *Verzeichnis* 4.)

fol. 84rb-va <Incertus auctor, **Quaestiones**>

(Textus) Quere utrum curatori dato pupillo uel adulto ad lites ... (Finis) ponit Baldus in l. Si patruus C. communia utriusque iudi. (Cod. 3.38.4) in ultima questione. (Colophon) Quem uide in libro signato per A fo. 35.

fol. 85ra-153vb <**Pseudo-> Baldus, Peculium Baldi**

(fol. 85r) (Rubrica) Opus solemnissimum domini Baldi de Perusio quod uocauit peculium domini Baldi. (Invocatio) In nomine sancte et indiuidue Trinitatis et gloriosissime uirginis Marie. (fol. 85ra) (Textus) <A>*bbas*: potest esse qui est irregularis quia hoc est nomen sollicitudinis ... (Lemma ultimum) *Ypoteca* ... quam recipit principalis obligatio textus sui ff. de euic. 1. Rem hereditariam (Dig. 21.2.65). Baldus. Amen et Deo gratias. Amen. (This work appears to be composed of excerpts from Baldus' lectures with additional material from those of Angelus de Ubaldis, e.g. fol. 122va. Extensive additions have been made in the

margins, and fol. 144 was inserted with other additions; cf. B. Paradisi, 'Le glosse di Bartolo da Sassoferrato', *La critica del testo. Atti del secondo Congresso internazionale della Società italiana di storia del Diritto*, 2 vols. (Firenze 1971) 11 577-61 8 at 609-12.)

fol. 153vb-154ra **Johannes Andreae**, <**Tractatus de clericis habentibus privilegium clericale**> (See Vat. lat. 1387 Iv for further information.) *Variants*:
(Textus) Quoniam sepius dubitatur de clericis relinquentibus habitum ...
(Finis) Amen etc. *add.* (Versus) Laus honor uirtus quoque ... Sit flamine paraclito.
Amen. (Colophon) Ego Iohannes de Bellebonis de Angleria scripsi hoc opus in ciuitate Saone et compleui ipsum die martis quarto augusti M^o cccc xi^o domino Antonio de Georgiis legum doctori de Bobio uicario tunc ibidem in Saona etc.

fol. 154ra <**Nota de haereditate**>
(This note was inserted before the verse mentioned above.)

fol. 154ra <**Nota de privilegio clericali**>

fol. 154rb-155va **Dinus** <**de Mugello, Tractatus de successione ab intestato**> (See Vat. lat. 2638 fol. 1ra-3ra for further information.) *Variants*:
(Finis) authenticis *add. post* predictis; continetur *pro* aperte cauetur (Subscriptio) doctor *om.* <Epilogus et Colophon desunt.>

fol. 155vb <**Notae de iudiciis**>

fol. 171va <**Notae de seruitiis**>

fol. 171vb <Incertus auctor, **Quaestio de pretio iusto**>
(Rubrica) Qualiter formatur libellus ad dirrimendum contractum rei uendite circa dimidiam iusti precii. (Textus) Quere in hac actione qualiter formabitur libellus circa hoc ... (Finis) uide supra proxime in repetitione quam fecit de dicta l. Rem maioris (Cod. 4.44.2) etc.

fol. 175v <Incertus auctor, **Versus de XII effectibus eucharistiae cum expositione**>
(Rubrica) Nota xii effectus heucaristie qui hiis uersibus connumerantur. (Versus) Inflamat memorat substatat liberat auget ... (Expositio) Inflamat caritatem. Memorat Christi passionem ... (Finis) ardorem carnalis concupiscentie. Amen.

fol. 176r-v <Tabula repetitionum>

fol. 177v <Recepta>

fol. 178v <Nota de testibus>

<+I>r-<+II>v **Signorulus de Homodeis, Repetitiones in Digestum vetus**, fragmenta
(Signorulus's name appears at <+I>va, preceding the incipit: 'Repetiturus l. Ex

hoc iure positam ff. De iusti. et iure (Dig. 1.1.5?). hunc ordinem obseruabo ...' The leaves are a damaged bifolium from a 14th-century copy in an Italian gothic bookhand. <+I>r and <+IIr-v> are covered with 15th-century legal notes; one on <+II>r is signed Antonius de Geor.)

Cat. ZZ Dolezalek, *Verzeichnis* 2. **Bibl.** M. Bevilacqua, 'Una "Quaestio" di Niccolò Matarelli (Vat. lat. 10726)', *Collectanea Vaticana in honorem Anselmi M. card. Albareda* (Studi e Testi 219; Città del Vaticano 1962) 139-57 at 142-47; P. Fiorelli, *La tortura giudiziaria nel diritto commune* I (Ius nostrum 1; Varese 1953) at 141 n. 44; Sella, 'Appunti' 45; ZZ Sella, 'Nove sigle'; Calasso, 'Bartolo' at 659-60.

The MS is a composite collection in several gothic cursive hands, including that of Johannes de Bellebonis; see fol. 154ra. The ink is brown to fol. 50v and gray thereafter. The MS is heavily annotated, most often by a student of Raphael de Fulgosiis, see fol. 37v: 'uy. in libro signato per B. in fi. in quodam consilio domini mei domini Raphaelis Fulgosii doctoris eximii.' The same annotator may have abbreviated the *repetitio* of Johannes de Castillione at fol. 38r-v and added the editorial notes at fol. 37v and 39ra, besides adding the table at fol. 176r-v. The notes on fol. 175v include accounts and a sentence from Jerome's letters. Blank spaces have been left for opening initials. Capitals are red on fol. 1r-18r. Fol. 51r has red rubrics and paragraph signs while the capitals on that page are red with decorations in ink. Catchwords are centered from fol. 22v onward. The *Peculium Baldi* has the initial leaves of each senion marked with a system of letters and numbers. For the watermarks, cf. Briquet nos. 2641, 8788, 2179, 797, 7690, and 12080. The 17th-century binding is leather over boards with traces of clasps. <I>r-<II>v are blank except for shelfmarks and a note on <I>r, 'Questo libro è vocato nell' indice sotto il nome di Margarita Baldi.' <VII>a^r-<VII>b^v, fol. 177r, and 178r are blank.

Vat. lat. 5776

saec. XI-XII

antea 133. **Prov.** Bobbio, Congregation of Santa Giustina O.S.B.; Bobbio, Monastery of San Columbano, O.S.B.

<I> +108 fols. + 105a memb. 145 (101) x 100 (65) mm, origin North Italy (Bobbio?). Terniones, Quiniones, saec. XI-XII.

<I>r **Nota de aetate huius manuscripti**

ZZ Hic liber antiquissimus est ante Alexandri III tempora, nam in hymnis atque in rubricis nulla mentio de s. Thoma Cantuariense (*sic*) nec de sancto Francisco.

Supra quingentos an<nos> scriptus esse uidetur, uel circa. (This note is in a humanist cursive script.)

fol. 2r-3v **Fragmenta in palimpsesto** (saec. V-VI)

(**Bibl.** On these fragments, see Lowe, CLA I 15-16. On fol. 2r is the note 'Littera huius liminis paginae antiquissima est supra anno mille centum. Hoc eodem caractere scriptus est liber S. Hilarii de Trinitate in Vatic. Basilica anno Transmundi regis Gothorum.' On fol. 3v is a list of contents: 'In hoc uol<umine> /// Regula canonicorum/ Decretales quaedam contra symoniam/ Hymni tam de tempore quam de sanctis per circulum'.)

fol. 4r-46v, 47r-v <**Chrodegangus Metensis** (s.), **Regula canonicorum**>, imperfecta

(Textus) /// et his officiis diligenter erudiantur. Vt scilicet pistoria arte (c. 11 med.) ... (Finis) hoc facere presumpserit sinodali sententia discrete feriat (c. 78). (**Ed.** MGH Scriptores 2, ed. W. Schmitz, pp. 267-68 and vol. 10, ed. W. Schmitz, pp. 552-72, and PL 89.1057-98. **Bibl.** A. Werminghoff, 'Die Beschlüsse des Aachener Concils im Jahre 816', NA 27 (1902) 605-75, Anhang I, 'Die Recensionen der Regula Chrodegangi', 646-51, discussing this MS (which he terms an example of the fourth, 'interpolated' version, at 646-47. The text has been misbound, apparently during a rebinding in which several folia were lost. The present order is as follows. cc. 11 med.-45 med., cc. 2 med.-4, the rubric only of c. 7, cc. 8 med.-10 med., cc. 46 med.-70 med., cc. 77-78.)

fol. 46v <**Oratio**>. imperfecta

(Textus) Adorate omnes gentes filium Dei uenientes, uenientes con tremore expetantes ... (Finis) date nobis caritate /// (About six more lines have been erased. This is not the text indicated in Walther, *Initia* no. 41.)

fol. 47v-48r <**Pseudo->Clemens, Epistola ad Iacobum**, excerpta

(Rubrica) Epistola Clementis ad Iacobum. (Inscriptio) Clemens Iacobo karissimo. (Textus) Quoniam sicut a Petro omnium apostolorum ... (Finis) sacerdotum manibus porrigat hostiam forinsecus claudat minora gerat officia. (**Ed.** *Decretales Pseudo-Isidorianae*, ed. Hinschius 46-48 passim.)

fol. 48r-53v, 56r-58r, 59r-63v **Canones varii**, imperfecti

(Rubrica) De eo quod qui sacros ordines mercantur Symoni mago comparentur. (Textus) Fraternalis mortis crimen incurrit quisquis cum potest fratrem ... (Rubrica ultima) Ambrosius super Lucam. (Textus) Cito turpem sequetur lepra ... (Finis) qua Giezi semen usque in eternum pro cupiditate ha<bendi> /// (This collection of canons, dealing largely with simony, is missing at least a final folio since it breaks off in ZZ mid-word. It begins with Guido of Arezzo's letter to the archbishop of Milan, cf. MGH Libelli de lite 1, ed. F. Thaner, pp. 5-9, not using this MS. The last piece is from Ambrose, *Expositiones super Lucam*, lib. IV, PL 15.1712. The latest item may be the excerpt from Gregory VII's *regula canonicorum* on fol. 59r-v; cf. G. Morin, 'Règlements inédits du pape saint Grégoire VII pour les chanoines réguliers', RB 18 (1901) 177-83.)

fol. 53v-55v <**Dicta de virtutibus**>

(Rubrica) Capitula de sapientia et prudentia et temperantia. (Textus) Pax illa Dei amico ... (Finis) quam pro scandalo ueritas relinquatur.

fol. 58v <**Fulbertus Carnotensis (s.)>, Hymnus paschalis**

(Rubrica) Hymnus de pasca. (Textus) Chorus noue Hierusalem ... (Finis) cum Filio et spiritu paraclito. Amen. (**Ed.** PL 141.352.)

fol. 64r-108v <**Hymnarium Bobbiense**>, imperfectum

(Textus) Prima dierum omnium, quo mundus extat conditus, Vel quo resurgens conditor (*ed.* no. 23) ... (Hymnus ultimus) (Rubrica) In natiuitate S. Laurentii.

(Textus) Apostolorum suparem (?) Laurentium archidiaconem pari corona ...
 (Finis) sacratos prode responde pie nec annuit addens dolum /// (**Ed.** C. Blume, *Die Hymnen des Thesaurus Hymnologicus* H.A. Daniels I. *Die Hymnen des 5.-11. Jahrhunderts und die Irisch-Keltische Hymnodie* (Analecta Hymnica Medii Aevi 51; Leipzig 1908, repr. New York 1961), using this MS for many of the hymns under varying sigla. The last (incomplete) hymn is not included; that immediately preceeding an fol. 108r-v is no. 188 (this MS = siglum L). **Bibl.** Gamber, *Codices* no. 1676. The hymnal begins with the cycle for Sundays; the temporal cycle begins an fol. 73 and breaks off at the feast of St. Lawrence.)

The MS is written in rough Carolingian minuscule by several hands in brown ink. Initials are red or red with ink; a few of those in the hymnal are formed of elaborate interlace; others are decorated or on fields of color. Capitals are washed in red in the *Regula canonicorum*. Rubrics are red except for those of the canons on fol. 48r-63v passim, which are underlined in ink. The MS, written in long lines on badly-prepared parchment, is badly stained, mutilated, and heavily repaired. Fol. 2, 3, and 105a are scraps mounted on larger sheets. There are occasional corrections; in the hymnal there are a few additions written vertically in the margins, as well as neumes over some texts. The MS is ruled in drypoint, with the pricking sometimes visible. There is an old foliation system in the upper right corner; the modern stamped one in the lower left corner has been followed here. Roman numerals intended as quire markings appear in the lower margins of fol. 16v (ii), 24v (iii), 29v (iiii), 47v (vii), 55v (viii), 87v (xii), 103v (xiii), and 104v (xv); they bear little relation to the present structure of the MS. The ex libris 'Liber sancti Columbani de Bobio' appears on fol. 4r and 64r. Fol. 4r also has the old shelfmark '133', the note 'est edita haec Regula apud Coletum Concil. T. IX', signed by Angelo Mai, and the present shelfmark. The MS has a late 19th-century leather binding. Fol. 1r is blank except for the shelfmark '5776 Vat.' Fol. 1v and 2v are blank.

Vat. lat. 5813

saec. XV (1475)

antea 312. **Prov.** frater Paulinus Mercurius O.S.B.; Bologna, Monastery of S. Proculo O.S.B. **Scr.** Blasius de Leucho O.S.B.
 <III> + 267 fols. + <IV> chart. (**memb.:** <I>, <+IV>) 168 (110) x 119 (88) mm, origin Italy (Bologna, Padua). Quiniones, saec. XV (1475).

fol. 1ra-262rb <**Bartholomaeus de Sancto Concordio O.P., Summa de casibus conscientiae**> (See Vat. lat. 2319 for further information.) *Variants:*
 (Praefatio) Augustinus *pro* Gregorius; prophetam *add. post* Ezechielem.
 (Colophon) Consumatum fuit hoc opus in ciuitate Pisana anno Domini M^o ccc^o xxxviii de mense decembris tempore sanctissimi patris domini Benedicti pape duodecimi. Explicit. Ego dominus Blasius de Leucho monachus sub regula sancti Benedicti in congregatione sancte Iustine de Padua hanc Magistrutiam propria manu scripsi partem Bononie in nostro monasterio partemque in sancta Iustina Patauina. Finemque feci idibus februarii 1475. (**Bibl.** Kaeppli, *Scriptores* I 164 no. 436; add this MS.)

fol. 262va-266rb <Tabula Summae Bartholomaei>

fol. 266va-267va <Incertus auctor>, **Nota de pluralitate beneficiorum**
 (Textus) Nota circa pluralitatem beneficiorum quod sicut uni uiro numquam licuit ... (Finis) Hec dicta sunt absque preiudicio melioris sententiae etc.

<+III>ra <Incertus auctor, **Nota de privilegiis Congregationis s. Justinae**>
(Rubrica) Ex priuilegio quarto. (Textus) Preterea cum sepe contingat ob
deuotionem quam ad monachos prefacte congregationis ... (Finis) fauorem
obseruantie regularis licentiam elargimur. (This is a paraphrase of a section of
Eugenius IV, Const. *Etsi ex sollicitudinis*: cf. *Bullarium Romanum* V 25 no. 16.)

The MS was written by Blasius de Leucho in gray ink in an italic cursive. Capitals and paragraph signs are red. These notes on provenance appear on fol. 1r: 'Ad usum fratris Paulini Mercurii et amicorum'; 'Iste liber est <monasterii> sancti Proculi de Bon<onia> numero 312.' This note appears on <+IV>v: 'A di 7 de aprillo a di 8 de dic. Bernardino de /// a Modena Margarita /// de Modena /// Camillo da Bologna.' On <I>r is 'Martinus de Sigo et Iohannes Sygus uendiderunt /// in manesillae (?) in ara Sauonarie (?)'. The watermarks are illegible. Catchwords are at the lower right. The MS is bound in leather on wood boards with traces of clasps. <I>v-<III>v, <+I>r-<+II>v, and <+III>v-<+IV>r are blank.

Vat. lat. 5830

saec. XVI.1

209 fols. + <I> chart. 294 (210) x 220 (135) mm. Quaterniones, saec. XVI.1.

fol. 2r-177r **Julius Ferrettus Ravennas, Consilium in causa Catherinae reginae Anglorum**

(Invocatio) Sanctissimae et indiuiduae Trinitatis invocato suffragio. (Praefatio) Fuit mihi casus consulendus in facto ... (fol. 7r) (Textus) Consideratis omnibus que in facto proponuntur ... (Finis) cui gratias sumiliter (*sic*) et laudes omnes sibi debitas reffero. (Subscriptio) Et ita iuris et equitatis esse arbitror (dico *sup. lin.*) et consulo ego Iulius Ferrettus Rauennas iuris utriusque doctor minimus comesque et miles indignus Lateranensis palatii apostolicae (sedis *sup. lin.*) auditor et saniori consilio semper saluis et in fidem propria manu (me *sup. lin.*) subscripsi et solito ([meo] *sup. lin.*) sigilo (*sic*) roborari mandauit.

fol. 178r-184v **Julius Ferrettus Ravennas, Tractatus de principibus catholicis**

(Rubrica) Iulii Ferretti Rauennatis iuris utriusque doctoris et equitis etc. Tractatus qualiter catholici principes teneantur inuigilare et operari ne quid fiat contra Deum, ecclesiam et iustitiam suam hic ponendum est summarium praedictum etc. (Textus) Catholici principes inuigilare tenentur et operari exactissima diligentia omni ingenio ... (Finis) apostolica et synodali imperialique et regia prouisione salubri.

fol. 185r-187v **Julius Ferrettus Ravennas, Tractatus de electione magistratuum**

ZZ (Rubrica) Iulii Ferretti Rauennatis iuris utriusque doctoris apostolicique et imperialis comitis et militis de electione magistratuum iustitiae et de electis magistratibus et populorum regimine tractatus. (Textus) In magistratuum electione optimum est ... (Finis) imponere decreuimus ad laudem, honorem et gloriam omnipotentis Dei. Finis.

fol. 188r-195r **Julius Ferrettus Ravennas, Tractatus de criminibus baronum**

(Rubrica) Iulii Ferretti Rauennatis utriusque iuris doctoris apostolici imperialisque

comitis Lateranensis de criminibus baronum eorumque sceleribus et remediis
(*repet. sup. lin.*) liber subditis et principibus quam maxime utilis. (Textus) Nemini
erranti parcat iustitia quam dominorum Dominus misit in terram ... (Finis) alias
perdent eas et cadent in poenam arbitrii regii [et seu reipublice etc].

fol. 196r-201v <**Julius Ferrettus Ravennas, Tractatus de ieiuniis**>

<Tabula summaria> ... (fol. 196v) (Textus) Mortalium quorundam sapientia fuit
obscura perdere caelestia ... (Finis) ut in glossa capituli De Constantinopolitana 22
distin. (D. 22 c.4) in § Si uero authen. De nuptiis (Auth. 4.1).

fol. 202r-206r **Julius Ferrettus Ravennas, Tractatus de uirginitate et continentia**

(Rubrica) Iulii Ferretti Rauennatis iuris utriusque doctoris equitis et comitis
Lateranensis palatii de uirginitate et continentia tractatus. (Textus) Beata uirgo
Maria in utero suae matris sanctificata ... (Finis) saluat Mada et Aue et quod
incontinentia damnauit continentia reparauit. Finis.

fol. 206r-v **Julius Ferrettus Ravennas, <Versus> ad honorem beatae Mariae virginis**

(Rubrica) Eiusdem Iulii Ferretti ad beatam uirginem Mariam salutatio. (Textus)
Aue Virgo gloriosa mater Dei creata rosa ... (Finis) Roga ipsum cleri amoris pro
fidei populo. Amen.

fol. 207r-209r **Julius Ferrettus Ravennas, <Tractatus> de uirtute Clementis papae
VII**

(Rubrica) Iulii Ferretti Rauennatis iuris utriusque doctoris equitis et comitis
Lateranensis palatii de uirtute [septimi] Clementis VII (*sup. lin.*) Romani
pontificis. (Textus) Aduersitatum pacientia magis est laudanda quam quies in
religione Dei ... (Finis) Suscipe et grates animi supremas [Repice o Clemens]
Respice Clemens. (The text incorporates a verse of Johannes Petrus Ferrettus.)

These are autograph drafts, written in a rough cursive in ink ranging from gray to black. The folios are filled with corrections and additions. There is no decoration or color. Fol. 1r has the title 'Iulii Ferretti Rauennatis allegationes et seu consilium in causa inclit (*sup. lin.*) reginae Catherinae Anglorum'. <+I>v has a note on a tract not contained in the MS: 'An Romanus pontifex habeat utrumque gladium'. For watermarks, cf. Briquet nos. 50 and 4855. There are also two unidentified watermarks: a siren on a crest; and a lion (?) in a circle with a coat of arms on his back. The 17th-century binding is of leather and parchment incorporating a previous binding. Fol. 1v, 34r-v, 40v, 80r-v, 90v, 92r-v, 118v, 126r-v, 133r, 134v, 136v, 177v, 195v, and 209v-<+I>r are blank. ZZ fol. 184v: Yulii Ferretti Rauennatis etc. De electione magistratuum iustitiae et de electis magistratibus et populorum regimine.

Vat. lat. 5843

saec. XVI

Prov. Costantino Gaetano O.S.B. (1560-1650).

76 fols. + 1a + 37a + 38a + <I> chart. (memb.: fol. 1 et <+I>) 342 (237) x 236 (120) mm,
origin Italy (Florence?). Quiniones, saec. XVI.

fol. 1ra-vb <**Hieronymus (s.), Prologus in librum Job**>

(**Ed.** PL 28.1139B-1142B; PL 22.545; and cf. Stegmüller, *Repertorium biblicum*

nos. 344, 350. This late-12th-century leaf is written in brown ink and is of Italian origin. Rubrics and capitals are red.)

fol. 1^{ar}-76r **Sylvester Aldobrandinus, Tractatus de peste et eius effectibus in iure** (Inscriptio) Ad reuerendissimum dominum Nicolaum Ardinghellum patritium Florentinum prothonotarium apostolicum Sylvester Aldobrandinus iure, consultus conpater. (Praefatio) Vulgo iam in discessu meo ferebatur reuerende domine uir doctissime.... (fol. 1v) (Rubrica textus) Incipit utilis tractatus de peste et eius effectibus in iure editus per eundem dominum Syluestrum Aldobrandinum in felici Pisano gymnasio. (Textus) Tractatutus igitur quid pernitosissimus hic morbus apud nostros considerationis afferat ... (Finis) ut per Cardinalem ibi et ibi declarat id Dominicus de sancto Geminiano. ZZ (**Bibl.** M. Ascheri, 'Le epidemie di peste e i giuristi; Introduzione alla trattatistica (1522-23)', *Proceedings Cambridge* 283-301; L. Martines, *Lawyers and Statecraft in Renaissance Florence* (Princeton 1968) 490.)

<+I>ra-vb <**Biblia sacra**>, fragmentum (Eccli. 44.5-45.18)
(This leaf is written in brown ink in an Italian hand of the 12th-century. Rubrics and capitals are red.)

Bibl. J. Ruysschaert, 'Costantino Gaetano O.S.B. chasseur de manuscrits'. *Mélanges Eugène Tisserant* 7 (Studi e Testi 237; Città del Vaticano 1964) 266-71 at 267 and 270 n. 33.

The main text and its annotations are in a cursive hand in black ink. At the bottom of fol. 1r is written: 'Sanctissimo domino nostro Paulo V d. Constantinus; abbas Caietanus d<ono> d<edit> anno Domini 1619 mense octobris.' For the watermarks, cf. Briquet no. 760. The MS has a 19th-century parchment binding. Fol. 76v is blank.

Vat. lat. 5845

saec. X(915-34)

Prov. Costantino Gaetano O.S.B. (1560-1650).

<V> + 327 + 296a memb. 294 (222) x 215 (170) mm, origin Italy (Capua). Quaterniones, saec. X (915-34).

fol. 1ra-200vb, 202ra-306va, 313ra-327rb <**Collectio Dionysiana**, recensio 2, imperfecta et cum additionibus>
(fol. 1r) <Tabula rubricarum, mut. in princ.> ... (fol. 7ra) (Rubrica) De ordinatione episcopi. (Textus) Episcopus a duobus aut tribus episcopis ordinetur ... (Finis) captibus (*leg.* captiuus) ex delectatione carnis quam portat inuitus. (**Ed.** for the *Dionysiana* (fol. 1r-135vb), PL 67.141-316, for the *additiones* on fol. 135vb-157vb, PL 67.328-38, 326-28, 315-28, 298-302, und 264; for the table of additions on fol. 158ra-vb, R. Massigli, 'Sur l'origine de la collection canonique dite *Hadriana augmentée*', MEFR 32 (1912) 363-83 at 378-83, with variants where appropriate from the rubrics in the text itself; for the first five *additiones* listed in the table, PL 67.337-46. Of the 79 items listed in the table, the first 5 are

also found in the *Dionysio-Hadriana* and nos. 6-76 are also part of Maassen's 'Hadriana aucta' (*recte* 'Dionysiana aucta') as nos. 69-141; cf. Maassen, *Geschichte* 455-61. The last three additions, those not in the *Dionysiana aucta*, are: (1) the council of Rome of 809 (**Ed.** MGH Conc. 2.1. ed. A. Werminghoff, pp. 240-44) with its 'testimonia patrum' (not in the edition) (fol. 298rb-304va), the council breaking off at 'Hinc etenim illuc mos idem can///' (ed. 243 line 28-29) and the 'testimonia' missing its beginning because of two lost folios between 300 und 301; (2) a collection of Augustinian texts on unjust excommunication (fol. 304va-306va), beginning with the letter to Auxilius und its response (**Ed.** S. *Aurelii Augustini Hipponensis episcopi epistulae*, ed. A. Goldbacher, pars IV (CSEL LVII, Lipsiae 1911, repr. New York/London 1961) no. 250-250A) on fol. 304va-305vb; and (3) the 'Regulare definitionum' of Gregory I (fol. 306va-vb, 313ra-327rb), in which the final item is Gregory's responses to Augustine of Canterbury, the source of the explicit above. The *Regulare* is composed of 32 excerpts from Gregory's letters preceded by a table; the latter lacks its last eight entries und the *Regulare* itself begins imperfectly with its third item because of the loss of a folio after 305.

The first quire (originally the third) is missing its outside leaves, so that fol. 1r begins with the 16th rubric of the Canons of the Apostles und the titles to cc. 75-135 of the Council of Carthage have been lost from between fol. 6 und 7; fol. 116-118 is a partial quire, with the text on fol. 118v left incomplete, resulting in the loss of c. 13, the first letter of c. 14, and the first few lines of the second letter of c. 14 (fol. 119ra the text begins with 'connexione multiplices') in the letters of Leo I. An addition to Leo I c. 27 has been written in a 12th-century non-Beneventan hand on a scrap of parchment glued on the outer margin of fol. 121, cf. S. Leo Magnus, *Opera*, ed. Ballerini, PL 54.1208 n. k.)

Ed. using individual items in this MS include: *Acta conc. oecum.*, ed. E. Schwartz, passim (see index, vol. 4.3.1, ed. R. Schieffer); *Epistolae Romanorum pontificum*, ed. A. Thiel, vol. 1 (Braunsberg 1867-68, repr. Hildesheim and New York 1974; no more published), cf. pp. xxii und xxxv (siglum F²); S. Leo Magnus, *Opera*, edd. Ballerini, passim (cf. PL 54.557 on this MS), *Concilia Africae* A.345 - A.515, ed. C. Munier CCL 149 (siglum I); *Concilia Galliae* A.314 - A.506, ed. C. Munier, CCL 128 for the *Statuta ecclesiae antiqua*, fol. 168v ff. (siglum Z); *Avellana*, ed. Guenther, pp. lxi und 83-84, for ep. 37 (siglum d²); Dionisius Exiguus, *Praefationes*, ed. F. Glorie, CCL 85, 44-47, via Thiel's edition (siglum b); *Decretum Gelasianum*, ed. Dobschütz (siglum D1), cf. p. 169 for description; E. Schwartz, *Publizistische Sammlungen*, Sb. Akad. Munich. Phil.-hist. Kl., Abhandlungen, n.f. 10 (1934) (siglum d of class H), cf. pp. 2, 60, und 278 for description; ZZ Stürner, 'Quellen der Fides' at 161-63 und 167-69 (siglum H_{V5}), for variants in 'de fide Nicena' (fol. 168v-169v); MGH Conc. 2.1, ed. A. Werminghoff, pp. 11-29 (siglum V₂) for the 743 synod of Rome (fol. 287v-291r). **Bibl.** Maassen, *Geschichte*, as cited above and 427, 431, 435, 449-51, and 464; Ballerini, *De antiq. coll.* PL 56.207-08, 211-18; R. Massigli, 'Sur l'origine de la collection canonique dite *Hadriana augmentée*', MEFR 32 (1912) 363-83; Wurm,

Dionysius Exiguus 31, 35 and passim (siglum Db), discussing the relationship of this MS to the 'Hadriana aucta' which he renames the 'Dionysiana aucta'; Günther, *Avellana-Studien* 91; M. Coquin, 'Le sort des "Statuta Ecclesiae antiqua" dans les Collections canoniques jusqu'à la "Concordia" de Gratien', *Recherches de théologie ancienne et médiévale* 28 [1961] 193-224 at 204); Mordek, *Kirchenrecht* 59 n. 94 and passim; A. Gaudenzi, 'Il monastero di Nonantola, il ducato di Persiceto e la chiesa di Bologna', *Bullettino dell'Istituto Storico Italiano* 36-38 (Roma 1916-18) 336.)

fol. 201ra **Concilium Carthaginense, <(525), Decretum>**

(Rubrica) In concilio sub sancto Bonifacio episcopo apud Cartaginam. (Textus) Erunt igitur omnia omnino monasteria ... (Finis) et Deo placentia. (**Ed.** H. Mordek, 'Libertas monachorum. Eine kleine Sammlung afrikanischen Konzilstexte des 6. Jahrhunderts', ZRG Kan. Abt. 72 (1986) 1-16 at 13 (siglum V); S. Kuttner, 'The Council of Carthage 535: A Supplementary Note', ZRG Kan. Abt. 73 (1987) 346-51, on the transmission of the piece and its use in the Pseudo-Gregory I decree *Quam sit necessarium* (JE †1366), and, at 350, giving variants from the second, fragmentary copy in this MS at fol. 327va-vb (siglum V₂; q.v.) and other copies. This folio was bound into the MS at an early date, the text is in a different but contemporary hand. The tag side of the parchment is visible between fol. 203 and 204. At the time it was added, the texts at fol. 200vb and 202ra were altered: the last few words of *Additio* 28 were erased from fol. 202ra and were written in below the text space at fol. 200vb. This and the next text are repeated, in a still different hand, on fol. 327va-vb, though the next text is mutilated at the end in that copy.)

fol. 201ra-vb **Concilium Carthaginense, <535, excerptum>**

(Rubrica) Item ex concilio uniuersali apud Cartaginem. Felicianus episcopus ecclesie Ruspensis dixit ... (Finis) consilio siue iudicio finiatur. (**Ed.** Mordek, 'Libertas monachorum ...' 13-15 (siglum V). **Bibl.** Kuttner, 'The Council of Carthage ...'.)

fol. 307ra-308va **<Cresconius, Concordia canonum, tituli>**, imperfecti

(Textus) /// tempore synodi detentus fuerit a XII episcopis audiatur ... (Finis) nisi omnes suos fecerint Christianos. Conc. Afric. tit. III. Explicit capitula (*sic*). (**Ed.** PL 88.924-42, for the full text from which the titles are taken. **Bibl.** Mordek, *Kirchenrecht* 254. The table begins in the middle of c. 245. In the upper margin of fol. 307r a modern hand added the title: 'Breuiarium canonum Cresconii'.)

fol. 308vb-311vb **<Ordo de celebrando concilio>**

(Praefatio) Priusquam concilium incipiatur in nomine metropolitani episcopi ... (Textus) Hora diei prima ante solis ortum eiciuntur omnes ab ecclesia ... (Finis) respondetur ab omnibus, Deo gratias. Et sic conuentus totus concilii absoluetur. (**Ed.** C. Munier, PL Suppl. 4.1865-76. This is the long-form, i.e., the Visigothic recension (OCV): it has the extra §6 and §11. **Bibl.** W. Hartmann, 'Laien auf Synoden der Karolingerzeit', AHC 10 (1978) 249-69 at 253 and n. 17; *Die*

Kanonessammlung des Kardinals Deusdedit, ed. V.W. von Glanvell, vol. 1 [no more published] (Paderborn 1905, repr. Aalen 1967) 618 n., noting that this *ordo* does not resemble the one in Vat. lat. 3833, *contra* H. Steinacker, 'Die Deusdedithandschrift (Cod. Vat. 3833) und die ältesten gallischen libri canonum', *MIÖG*, Ergänzungsband 6 (1901) 113-44 at 144.)

fol. 311vb-312rb <**Ordo in susceptione presbiterorum**>

(Rubrica) Ordo in susceptione presbiterorum. (Textus) Quando ad conuentum laetaniarum occurrunt, hora prima diei ... (Finis) ad cellas suas cum benedictione episcopi remeabunt.

fol. 312rb-vb <**Collectio Dionysio-Hadriana, Praefationis Adnotatio 1**>, imperfecta
(Textus) Apostolorum canones qui per Clementem Romanum pontificem ...
(Finis) Constantini principis Agathonis papae Romani, Georgii (*leg.* Gregorii) Constantino<politani> /// (ed. 624 line 18) Ed. and **Bibl.** See Vat. lat. 1341 fol. 1va-vb.)

fol. 327rb-va <**Notitia de quattuor conciliis**>

(Textus) Preterea qui a corde creditur ad iustitiam ... (Finis) cumsubstantialiter Deus in unita (*sic*) Spiritus sancti per. (This is not the same as the text at Vat. lat. 1341 fol. 1va.)

fol. 327va-vb **Concilium Carthaginense** <(525), **Decretum**> (See above, fol. 201r, for further information.)

fol. 327vb **Concillum Carthaginense** <(535); excerptum>, imperfectum (See above, fol. 201r, for further information.) *Variants*:
(Finis) qui forte habuerint, habere nec aliquam ordinationem /// **ZZ** (**Bibl.** S. Kuttner, 'The Council of Carthage 535: A Supplementary Note', *ZRG Kan. Abt.* 73 (1987) 346-51, giving variants from this second, fragmentary copy (siglum V₂).)

Bibl. **ZZ** Lowe, *Beneventan script* 54, 69 and passim, idem, *Scriptura beneventana*, 2 vols. (Oxford 1929) pl. 40-41; *Decretum Gelasianum*, ed. Günther 169; J. Ruyschaert, 'Costantino Gaetano O.S.B. chasseur de manuscrits', *Mélanges Eugène Tisserant* 7 (Studi e Testi 237; Città del Vaticano 1964) 266-71 at 267, 270 and n. 28.

The codex was written in Capua by the monks of Monte Cassino. The hand often changes with the quire; there are many contemporary interlinear and marginal corrections. Fol. 201 and the three texts added on 327rb-vb are in different but contemporary hands, and an annotator writing in an 11th- or 12th-century minuscule added corrections and additions, apparently from a different version, to the letters of Liberius on fol. 188r-189r. <IV>r has a long note by Lucas Holste (d. 1661), on the contents, lacunae, and errors in the collation of the folios for binding; Holste added similar notes throughout the MS, including a long note at fol. 307 on his conjecture that fol. 307-12 were part of the missing second quire. The Ballerini describe the MS as though the Cresconius fragment were at the beginning of the codex (*De antiq. coll.* 3.3.1, PL 56.212A). But since the binding bears the arms of Alexander VII (1655-57), it may be that they were simply following Holste's instructions. Below Holste's note on <IV>r is a note dated 1682 by the prefect Schelstrate. In the lower margin of fol. 1r is the note 'Sanctissimo Domino nostro Paulo V D. Constantinus

abbas Caietanus d<ono> d<edit> anno Domini 1619 mense Octobris'. Rubrics are orange. Initials vary: some are multicolored (including blue, red, green, yellow, and brown), some have only the outline in ink. Whether the initials are finished or not varies with the changes of hand and the quire structure. Capitals, particularly in the tables, often have a colored wash in the full. Quires are numbered with roman numerals at the end, the first surviving being 'IIII' at fol. 14v. Prickings are visible on the outer edges. The binding is leather. <I>r has only the shelfmark, <I>v-<III>v and <IV>v-<V>v (the latter a paper insert) are blank.

Vat. lat. 5921

saec. XV (1433-1434)

Scr. Amadaeus de Schafalibus de Fulgis.

602 fols. chart. (memb.. 601) 293 (207) x 204 (110) mm, origin Italy (Perugia).

Quiniones, saec. XV (1433-1444).

fol. 4r-129v, 133r-365r **Johannes de Montesperello, Recollectae in Codicem** (Cod.

2.1.1-2.50.1, 6. 1.1-6.62.2)

(Invocatio) In nomine Domini. Amen. (Rubrica) Anno Domini M^o cccc^o xxxiiii indictione xii tempore sanctissimi in Christo patris et domini domini Eugenii diuina prouidentia pape quarti iste sunt recollecte per me Amadeum de Schafalibus de Fulgis sub famosissimo in orbe doctore legum domino Iohanne de Monte Sperello in quarto anno mei studi (*sic*) a (*sic*) laudem Dei. Amen. Sacratissimi Iustiniani codicis liber primus explicit. Incipit secundus. De edendo rubrica. (*marg.*) Rubrica. (Textum) In glossa rubrice ibi preparatorium alias etiam tractatur de edictione ... (fol. 4v) (Lemma primum) 1. *Ipse dispice*: Actor non debet ex domo rei probationes *spetare* ... (Finis) lex ista non intelligatur ut supra. Non est plus et Deo gratias. (**Bibl.** Sella, 'Nuove sigle' 11; Diplovatatus, *De claris iuris consultis* 370-72. Lib. II ends at fol. 129v. Lib. VI begins at fol. 133r with a note by the scribe referring to the coronation of Emperor Sigismund in 1433.)

fol. 130r, 366r, 367r <**Auctores varii, Consilia**>, nominatur: Martinus de Fano (fol. 367r [**Bibl.** Kaeppli, *Scriptores* III 112 no. 2966]); <Incerti auctores> (fol. 130r, 366r).

fol. 368r-588v <**Johannes de Montesperello, Recollectae in Digestum vetus**> (Dig.

5.1.1-5.1.79, 5.3.1-5.6.1, 12.1.1-13.7.41)

(Rubrica) Explicit digestorum liber quartus. Incipit quintus. De iudiciis et ubi quis agere uel conueniri debeat. (*marg.*) Rubrica. (Textus) In glossa rubrice bene continuat a remotis ... (fol. 386v) (Lemma primum) 1. *Si se subiciant*: Per partes litigantes iurisdictio prorogatur ... (Finis) quod confirmetur ius sui successoris per superuenientiam iuris in se. (**Colophon**) Deo gratias. (Amadaeus de Schafalibus ended his lecture notes on Lib. V at fol. 420v, and he began Lib. XII at fol. 422r with a note dated 1413 which mentions his master by name.)

fol. 589r-v **Livius**, <**Ab urbe condita**, excerpta> (AUC 30.30.3-30.30.30, 30.31.1-30.31.10)

(Rubrica) Oratio **Anibalis** ad Scipionem ex Liuio sumpta. (Textus primus) Si hoc ita (*om. cod.*) fato datum erat ut qui primum bellum intuli ... (fol. 589v) (Rubrica

secunda) Responsio Scipionis. ... (Textus secundus) Non me fallebat Hanibal (habere add. cod.) aduentus tui spe (spem cod.) ... (Finis) eam fortunam quam dei (dii cod.) dedissent. ZZ (**Ed.** Titus Livius, *Ab urbe condita libri*, ed. W. Weissenborn and M. Müller (Lipsiae 1909) 385-88, 388-89.)

fol. 589va-b, 591ra-vb **Franciscus Petrarca** <**Canzoniere**, excerpta> (nos. 111, 115, 161, 165, 154, 156, 153, 160, 92, 19, 302, 26, 146)
(Textus primus) La donna che'l mio cor (core cod.) nel viso (volto cod.) porta ...
(Textus ultimus) O de ardente vertude ornata e calda ... (Finis) che Appenino parte et mare circunda et Alpi. (*leg.* ch'l Appenin parte e'l mar circonda l'Alpe.) (**Ed.** Francesco Petrarca, *Canzoniere* (Novara 1962) 179, 183, 249, 253, 242, 244, 241, 248, 157, 51, 407, 64, 234.)

fol. 589va <Incertus auctor, **Versus**> (Italice)
(Textus) Por che ad cupido sua faccia orata ... (Finis) extincte sonno per la tua dementia.

fol. 590r <**Pseudo-Sallustius, Invectiva in Ciceronem**>
(Rubrica) Controuersia Salustii cum Accrone (*sic*). (Textus) Grauitur et iniquo (inico cod.) animo maledicta tua paterer ... (Finis) in hac neque in illa parte [p] fidem habens. (**Ed.** *Sallustius in Ciceronem*, ed. A. Kurfess (Lipsiae 1914) 1-8.)

fol. 590r-591r <**Pseudo-Cicero, Invectiva in Sallustium**>
(Rubrica) Responsio Aceronis (*sic*) ad Salustium. (Textus) Ea demum magna uoluptas est [c//] Salusti ... (Finis) si qua ego honeste (honestu cod.) effari possim. (**Ed.** *Sallustius*, ed. cit. 9-21.)

fol. 592ra-rb <**Bartholomaeus de Castello Plebani, Versus**> (Italice)
(Rubrica) La nocte che segui l'orrebil casu. (Textus) Cruda selvaggia fugitiva et fiera ... (Finis) che quasi homo morto piagnendo tadora. (**Bibl.** F. Carboni, *Incipitario della lirica italiana dei secoli XIII e XIV II* (Studi e testi 288; Città del Vaticano 1980) 59-60 no. 621.)

fol. 593r-599v <Incertus auctor, forsan **Johannes de Montesperello, Recollectae in Digestum vetus**>, fragmenta (Dig. 4.2.9.2 in med.-4.2.9.8, 4.2.12.1, 3.5.14-3.5.18.3, 3.5.47-3.5.48, 3.5.8, 3.6.1-3.6.4 in med.)
(Lemma primum) <*Idem Pomponius scribit*> /// sed hoc non placet Iohanni de Imola ... (Lemma ultimum) *Hec actio heredi*: ... et quod sit caus/// (Fol. 600 is a badly mutilated leaf from the same text.)

fol. 601ra-vb <Incertus auctor, **Commentaria in Digestum vetus**>, fragmentum (ca. Dig. 12.6)
///soluere secuta ergo et con<scr>iptio ... (Finis) /// in persona filii ///

Cat. Dolezalek, *Verzeichnis* 2.

The MS is in the the cursive bookhand of Amadaeus de Schafalibus de Fulgis, who wrote in black ink,

except for the 16th-century index to the MS on fol. 2ra-3ra and for the fragment at fol. 601ra-vb. The latter is in an Italian bookhand. There are legal notes at fol. 1r and 592v. A scrap with script has been attached to fol. 132v. The MS has two foliations: the older, written one, that begins on fol. 4r; and the modern stamped numeration that this description follows. Catchwords are framed and centered. For the watermarks, cf. Briquet nos. 7686 and 6640. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one. Fol. 1v, 3v, 130v-132v, 365v, 366v, 367v, 410r-v, and 421r-v are blank.

Vat. lat. 5922

saec. XV (1476-1478; 1498-1499)

Scr. Laurentius de Gattis; Johannes Antonius (?).

<I> +298 fols. chart. 327 (215) x 237 (147) mm, origin Italy (Naples, Pisa). Quiniones, saec. XV (1476-1478, 1498-1499).

fol. 1ra-52va **Johannes Antonius**, <**Tractatus de restitutionibus**>

(Textus) Inter peccatorum multitudinem nullum perniciosius inuenitur quam rei aliene detempcio ... (Finis) facit lex Incola ff. ad municipales (Dig. 50.1.29) et in c. finali 17 q. ultima (C.17 q.4 c.43). (Colophon) Finis. Ego Ioannes Antonius.

fol. 53ra-97rb, 129ra-210r, 234r <**Auctores varii, Repetitiones**>, nominantur:

Bartholomaeus Socinus, Repetitiones 1. *Qui Romae* (Dig. 45.1.122) (fol. 155r-202r [1498]), 1. *Mulier et Titio* (Dig. 35.1.74) (fol. 203r-210r [Pisis]), *Stipulationum* (Dig. 45.1.5) (fol. 147r-154v), ZZ § *Si prius* (Dig. 37.4.12.1) (fol. 234r); Johannes Caraffa, Repetitio c. *Si quis suadente* (C.17 q.4 c.29) (fol. 129ra-146va); Stephanus Gaetanus, Repetitio c. *Quoniam* (Sext. 1.6.47) (fol. 79ra-97rb [1476]); Incertus auctor, Repetitio c. *Veniens* (X 5.1.15) (fol. 53ra-78ra).

fol. 97va-111rb **Franciscus** <**Gaetanus**>, **Tractatus fidei**

(Rubrica) Tractatus fidei ubi est tota materia heresis ... (Inscriptio) Franciscus Dey et apostolice sedis gracia episcopus Squillacensis ... (Praefatio) Scire uos uolumus quod ZZ nonnulli Cerritani uulgariter nuncupati ... (fol. 98va) (Textus) Quoniam plurimi circa diuinaciones uacant eorum conscientiam deturpantes ... (Finis) iure et modo etc. salua correctione ut supra. (Colophon) Episcopus Squillatensis (*sic*). Finis. Deo gracias. Amen. (Ed. TUI 14 fol. 2ra-7vb. **Bibl.** C. Eubel, *Hierarchia catholica medii aevi* 2 (Monasterii 1914; repr. Patavii 1960) 241.)

fol. 111va-128va **Johannes Caraffa**, **Tractatus de simonia**

(Rubrica) Tractatus de simonia editus per magnificum utriusque iuris doctorem ac uicecancellarium dominum Ioannem Carrafam dignissimum sub cuius doctrina audiui anno Domini M cccc lxxviii. (Textus) Simonia ortum habuit in ueteri testamento ab uno qui uocabatur Gizei (Iecz *cod.*) ... (Finis) et *i.q. i* Iubemus (C.1 q.1 c.126) usque ad finem questionis. Cetera autem per summistas. (Colophon) Deo gratias. Finitur tractatus de simonia ultimo mensis octobris per me Laurentium de Gattis millesimo et indictione ut supra. (Ed. TUI 15.2 fol. 116vb-123ra. **Bibl.** Schulte, *Geschichte* II 380.)

fol. 211r-232v <Incertus auctor, forsan **Bartholomaeus Socinus**, **Consilium**>

(Invocatio) Ihesus Maria etc. (Rubrica) Primum dubium. (Textus) Supposita communi opynione pro uera quod preterittio filii in potestate ... (Finis) ubi Baldus C. de successorio edicto (Cod. 6.16).

ZZ fol. 233r-256r <Incertus auctor, forsan **Bartholomaeus Socinus, Lectura in tit. De liberis et posthumis**> (Dig. 28.2.1-28.2.7)
(Rubrica) Lex prima de liberis et posthumis. (Lemma primum) <Quid sit>: Primo no. secundum Bartolum et doctores quod quando demonstraccio est certa ... (Lemma ultimum) <Si filius>: ... (Finis) nam si testamentum esset utroque iure nullum. (The date '15^a die aprilis 1499' appears at fol. 253v.)

fol. 257r-297v **Petrus Santernus, Tractatus de assecurationibus**
(Rubrica) Tractatus de assecurationibus et fideissionibus (*sic*) mercatorum domini Lusitani. (Textus) <A>ssecurationis clipeo res suas contra seuam fortunam ... (Finis) si habebant merces Iudeorum in naui a piratis et ab aliis latronibus maritimis. (Colophon) Laus Deo omnipotenti. Explicit non uulgaris sed sollempnis et utilis tractatus de securitatibus et sponsionibus mercatorum pleclarissimi (*sic*) domini Lusitani Pet<ri> Sante tene (*sic*) etc. peritissimi et famosissimi quem composuit anno Domini M^o cccc^o lxxxviii^o etc. τελωδ (Ed. TUI 6.1 fol. 348rb-357rb. **Bibl.** D. Maffei, 'Il giureconsulto portoghese Pedro de Santarém autore del primo trattato sulle assicurazioni (1488)', *Estudios em Homenagem aos Profs. Manuel Paulo Meréa e Guilherme Braga da Cruz* (Boletim da Faculdade de Direito de Coimbra; Coimbra 1983) 703-28, printing several excerpts on pp. 725-28; Sella, 'Nuove sigle' 12.)

fol. 298r <Incertus auctor, **Versus**>
(Rubrica) An uenalis cardinalis. (Textus) Cesarei qui sancta petis uestigia iuris ... (Finis) accipite et uestra sepe tenete manu. τελωδ.

Cat. Dolezalek, *Verzeichnis* 2.

The MS contains two sections: the Neapolitan one (fol. 1ra-146va) and the Pisan (fol. 147r-298r). The heart of the Neapolitan section is the copying work of Laurentius de Gattis (1476-1478); see his notes at fol. 97rb, 111va, and 128va. To this were added the texts at fol. 1ra-78ra, possibly the autograph of Johannes Antonius, and at 129ra-146va. The main hand of the Pisan section is that of a student of Bartholomaeus Socinus; see fol. 192r and 202r. That scribe wrote fol. 147r-210r, 211r-231r, 234r, and 235r-257r. Another hand wrote fol. 257r-298r. The Neapolitan section belonged to the pupil of Socinus; see his note at fol. 111va *marg.* All of these hands are cursives in dark brown ink. There are extensive additions by the scribes in the margins. From fol. 79r onwards, rubrics are red. On fol. 79r to 104va and on 111va capitals and paragraph signs are red. <I>r is a modern table of contents in two hands. Catchwords are set perpendicular to the text at lower right. For the watermarks, cf. Briquet nos. 7698, 11711, 12203, and 12123. The MS has a 19th-century parchment binding incorporating the 17th-century one. <I>v, fol. 78v, 202v, 210v, 213r-v, 216v-217r, 220r, 221v, 224v, 226r-v, 228v, 229v, 231v-232r, 233r-v, 234v, 256v, and 298v are blank.

Vat. lat. 5923

saec. XV (ca. 1471-1474)

Scr. N. R.

350 fols. chart. 402 (167) x 284 (165) mm, origin Italy (Viterbo; Pavia). Quiniones, saec.

XV (ca. 1471-1474).

fol. 1ra-66va **Dominicus de Sancto Geminiano, Repertorium alphabeticum de significationibus verborum**

(Rubrica) Repertorium domini Dominici de Sancto Geminiano excellentissimi decretorum doctoris de significato uerborum et dictionum. (Lemma primum) A. Quandoque sta augmentatiue glo. in c. Vbi periculum in principio de elec. libri vi (Sext. 1.6.3) ... (fol. 66rb) (Lemma ultimum) *Zizania*. (Finis) Quid sit glo. in uerbo 'zizanie' in cle. Dudum de sepul. (Clem. 3.7.2). (Colophon) Explicit repertorium domini Dominici de Sancto Geminiano excellentissimi decretorum doctoris de significato uerborum et dictionum etc.

fol. 66va-67vb <Incertus auctor>, **De nominum interpretationibus**

(Rubrica) De nominum interpretationibus. (Textus) Dubia uerba qualiter interpretantur uide litteram D. ... (Finis) aducit Agu. de pen. d. i Periculose (*De poen.* D.1 c.23) in fine.

fol. 67vb-71va <Incertus auctor>, **De his quae propriis non congruunt titulis**

(Rubrica) De hiis que propriis non congrunt (*sic*) titulis. Rubrica. (Textus) Castrum per se non habet territorium nisi ex priuilegio ... (Finis) Io. An. in regula Qui sentit de regulis iuris in vi (Sext. 5.13.55) super glossam.

fol. 71va-74vb <Incertus auctor>, **De dispensationibus**

(Rubrica) De dispensationibus. Rubrica. (Textus) An papa dispensare possit contra generalem statutum (statum cod.) ecclesie ... (Finis) in c. Si gratiose, de rescriptis in vi (Sext. 1.3.5) extra de electione Dudum ii (X 1.6.54).

fol. 75ra-270va **Dominicus de Sancto Geminiano, Repertorium <iuris secundum titulos Decretalium>**

<Invocatio deest.> (Rubrica) Incipit repertorium domini Dominici de Sancto Geminiano per rubricas et primo. Rubrica. De constitutionibus. (Textus) Si princeps concedit ciuitati ut possit facere statuta ... (Finis) et per doctores de prebendis Pro illorum (X 3.5.22). (Colophon *marg.*) viii maii. Laus Deo. Viterbii. (This is another version of the text found in Vat. lat. 2364 fol. 1r-274v and in Ross. 836 fol. 68rb-290va.)

fol. 271ra-va <**Formae litterarum**>

(Inscriptio) Vniuersis et singulis presentes litteras inspecturis. (Textus) Pateat euidenter quod nos etc. ... (Finis) cuius obsequiis manciantur in quo si ideo etc.

fol. 272ra-308rb **Ludovicus <Pontanus, Singularia secundum ordinem decretalium>**

(Rubrica *marg.*) Singularia Ludouici. (Rubrica) De summa Trinitate. (Textus) <L>icitum est alicere aliquem per pecunias ut ueniat ad fidem ... (Finis) Adde hoc ad 1. Scire leges ff. de legibus (Dig. 1.3.17). (fol. 308r) (Colophon) Finis. Per fin. N. R. che uiuo. (This is not the collection of *singularia* in Vat. lat. 8079 fol. 14r-81r.)

fol. 309ra-318vb **Philippus de Franchis**, <Quaestio de materia petitorii>

(Rubrica) <T>hema cum dubiis publice disputatis per clarissimum utriusque iuris doctorem (clarissimum ... doctorem *om. ed.*) dominum Philippum de Franchis de Perusio ordinarie in iure canonico in studio Papiensi legentem sub annis Dominy (anno *ed.*) M° cccc lxi die xx may in festo sancti Bernardini feliciter incipit. (Argumentum *pro* feliciter incipit *ed.*). (Praefatio) Ex nobilissima urbe Perusina Cornelio et Pamphilo coram apostolice sedis delegato in petitorio inuicem litigantibus ... (Invocatio) Omnipotentis Dey presidio implorato. (Textus) Pro examinatione primi dubii uidendum est primo si aliquo remedio petitorio potuisset ... (Finis) sed eius generalitas non includit ecclesiam ut supra demonstratur (demonstratur *cod.*). (Colophon) Et sic sit finis presentis disputationis editae per eundem excellentissimum doctorem dominum Philipum de Franchis de Perusio in studio Papiensi siue Ticinensi. Deo gratias. Amen. (**Ed.** TUI 3.2 fol. 326vb-333va. **Bibl.** Schulte, *Geschichte* II 342.)

fol. 319v <Incertus auctor, **Adnotationes de visitationibus**>

fol. 320ra-350rb <**Auctores varii, Repetitiones**>, nominantur: Franciscus Zabarella, Repetitio c. *Perpendimus* (X 5.39.23) (fol. 320va-330vb) *cum tabula* (fol. 320ra-va); Incerti auctores, Repetitiones c. *Raynaldus* (X 3.26.18) (fol. 331ra-340va), c. *Clericos* (X 3.4.17) (fol. 341ra-350rb). ZZ cfr. Colophon: Finis Repetitio domini Francisci de Zabarelli anno domini M° CCC LXXXXIII° de studio paduano. Laus Deo diu??? Hyronimo

The MS is written in brown ink in several cursive bookhands. One scribe signed himself 'N. R.' (fol. 330vb) or 'N. uir spectabilis Senensis Papie studens' (fol. 330vb). The date 1471 appears at fol. 309ra; and 1474 at fol. 330vb. Extensive additions were made to the Geminianus texts. The Zabarella repetitio has red signs and capitals. Catchwords are centered. For the watermarks, cf. Briquet nos. 3387, 11702, 4411, 6312, and 6595. The MS has a 19th-century parchment binding, incorporating the 17th-century one. Fol. 350v is blank except for a note. Fol. 308v and 319r are blank.

Vat. lat. 5924

saec. XV (1428)

<V> + 292 fols. chart. 385 (280) x 279 (185) mm, origin Italy (Rome). Quiniones, saec. XV (1428).

<I>ra-<IV>vb <Tabula titulorum et capitulorum>

<V>ra-rb <Tabula alphabetica titulorum>

fol. 1ra-292vb **Dominicus de Sancto Geminiano**, <Commentaria> in Decretales (Lib. I)

(Lemma primum) <G>*regorius*: Hoc prohemium potest diuidi in quatuor partes. In prima salutatio ... (Lemma ultimum) <C>*ompromissum*: ... (Finis) uide in speculo eodem titulo et § Finitur etc. (Colophon) Explicit lectura super primo libro decretalium compilata ab egregio utriusque iuris doctore domino Dominico

de Sancto Geminiano s<cripta> et completa Rome die ueneris decima septima septembris 1428+.

Bibl. Sella, 'Nuove sigle' 8.

At fol. 4rb the text passes over the title *De summa Trinitate* (X 1.1) without a break. The MS is written in two gothic cursive bookhands (fol. 1ra-220vb; fol. 221ra-292vb) in brown ink with the lemmata occasionally shading off towards black. The copious annotations at the beginning include references to Johannes de Imola (e.g. fol. 5rb); a note on the life of Johannes Andreae appears on fol. 218rb. The tables at <I>ra-<V>rb are in a modern hand, as are the rubrics and chapter numbers in the first part of the MS. Spaces reserved for capitals are blank except for occasional instructions in ink for the rubricator, which also appear at the beginnings of titles. For the watermarks, cf. Briquet nos. 11721, 11696, and 15865. Catchwords are centered, and some are framed. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one. <V>v and fol. 171rb are blank.

Vat. lat. 5925

saec. XV (1444)

Prov. Ludovicus de Ypoc^{ubus}. **Scr.** B. de Vercella.

<I> +96 fols. + 10bis-ter ZZ -66 + 83bis-84 chart. 429 (264) x 300 (160) mm, origin Italy. Quiniones, saec. XV (1444).

fol. 1ra-23vb **Baldus <de Ubaldis, Apostillae ad Novellam in Librum Sextum>**

(fol. 1r) (Rubrica *marg.*) Baldus super sesto. (Textus) Gratia per papam facta nondum scripta in solita litterarum forma ... (Finis) ff. de manumiss. testa. Menia (*sic*) (Dig. 40.4.44) per Dylum. Explicit usque de regulis iuris. (**Bibl.** See Vat. lat. 2233 fol. 1vb-66vb *marg.*)

fol. 23vb-42ra **Baldus <de Ubaldis, Apostillae ad Mercuriales>**

(Invocatio *marg.*) In nomine Dei omnipotentis. (Rubrica *marg.*) Incipit de regulis iuris per Baldum. (Textus) Vicarius Yhesu Christi in totius ecclesie (*sic*) monarcha omnium christianorum ... (Finis) Vltimo disputat questionem an autores librorum debeant apponere suum nomen. (Colophon) Deo gratias. Splicit (*sic*) Baldus super vi decretalium incipitque super clementinis. (**Bibl.** See Vat. lat. 2233 fol. 167ra-256rb *marg.*)

fol. 42ra-49vb **Baldus <de Ubaldis, Apostillae ad Glossam ordinariam in Constitutiones Clementinas>**

(Lemma primum) *Iohannes episcopus*: Constitutiones que occultantur non ligant etiam si conditor uelit ligare ... (Finis) quam glo. tene cordi. (Colophon) Deo gratias. Inceptus ultima die decembris ac finitus xx^a inuarii M^o cccc^o xliiii. (**Bibl.** T.M. Izbicki, 'Notes on Late Medieval Jurists', BMCL 4 (1974) 49-54 at 54.)

fol. 50ra-67ra **Franciscus Zabarella, Repetitio c. Perpendimus** (X 5.39.23)

(Rubrica *al. man.*) Incipit repetitio c. Perpendimus de sen. ex. per dominum Franciscum Zambarellam cardinalem. (Lemma) *Perpendimus*: Difficilis est decretalis in textu et quoad casus ... (fol. 65rb) (Finis) per premissa apperitur uia ad uiam ergo suffitiant etc. (Colophon) Laus et gloria et gratiarum actio sit

indiuide Trinitati. Amen. Explicit repetitio c. Perpendimus de sen. ex. domini Francisci Zabarellae utriusque iuris doctoris confecta in felici studio Paduano etc. scripta per B. de Vercellis ad usum uenerabilis legum scholaris Ludouici de Ypoc^{ubus}. (fol. 65rb-67ra) <Tabula> (**Bibl.** Schulte, *Geschichte* II 285; and see Vat. lat. 2258.)

fol. 68ra-96vb <**Jacobus de Albertonis**>, **Contrarietates inter ius canonicum et civile** (Rubrica *marg.*) Contrarietates et diuersitates inter ius canonicum et ciuile. (Praefatio) Quoniam ut ait Aristoteles 'Opposita iuxta se posita euidenciora ...' ... (Textus) Nunc aggrediamur contrarietates et diuersitates utriusque iuris uidelicet canonici et ciuilis ... (fol. 96rb) (Finis) quia hoc feci et compleui tempore pontificatus Gregorii X. (Epilogus) Gratias ago diuine potentie et summo rerum creatori ... ut xxvi q. v c. Nec mirum (C.26 q.5 c.14) in secunda columpna in fine etc. Explicit. (**Bibl.** J. Portemer, *Recherches sur les 'differentiae iuris civilis et canonici' au temps du droit classique de l'église* (Paris 1946) 62-69; Izbicki, 'Problems in TUI' 492 n. 50.)

Cat. Kristeller, *Iter* II 336.

The MS is written in two gothic bookhands in brown ink; fol. 1ra-49vb; fol. 50ra-96vb (B. de Vercella). The MS has sporadic annotations in more than one late medieval hand. A note on <1>v, otherwise blank, refers to a passage in the *Sextus* commentary of Philippus Francus (d. 1471), in which Philippus cites from Baldus's *apostillae* (fol. 22va-vb) on the same text: Philippus Francus, *In Sextum decretalium librum commentarii* (Basileae 1581), ad Sext. 5.11.15 (p. 912b). See the description of Vat. lat. 2233 for additional evidence of Baldus's authorship. The rubric at the top center of fol. 1r is added in a different hand, and the explicit at fol. 42ra in another. The marginal invocation and rubric on fol. 23vb and the **colophon** following 'Deo gratias' on fol. 49vb are rubricator's instructions (space having been left between the two texts on fol. 23vb). The first part of the codex has red rubrics to fol. 17rb and rubricator's instructions in the margins thereafter. Capitals are red or blue, both with red Italianate decoration. Paragraph signs are red to fol. 17v and red or blue thereafter. Catchwords are framed and centered. For the watermarks, cf. Briquet nos. 2666 and 11172. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one. <I>r and fol. 67v are blank.

Vat. lat. 5926

saec. XIV

<I> +48 fols. memb. 282 (212) x 195 (120) mm, origin Germany. Quaterniones, saec. XIV

fol. 1r-48r <**Julianus, Epitome Novellarum**>, imperfecta (Rubrica) Si heres legata soluere noluerit (de heredibus et Falcidia *marg. al. man.*). (Textus) Primum (*add. cod.*) et in digestis et constitutionibus didicimus parentibus ... (Finis) uideat in suis pecuniis patientem iacturam. (**Ed.** *Iuliani Epitome* ed. G. Haenel (1873, repr. Osnabrück 1965), 21-178, not using this MS. The text is incomplete, missing over two hundred *novellae*; see Haenel's discussion of Class 3 MSS, pp. xii-xx, and pp. xx-xxii on editions for some similarly incomplete examples. The MS contains items 1-3, 7-10, 12-14, 16, and 18-21 from the appendices Haenel associates with Class 2 MSS, ed. cit. 192-96, and ends with Titulus 58 (*Nulli liceat*) as printed in Pesnot's edition, reprinted by

Haenel at *160. The *Epitome* is divided into two parts, the second beginning on fol. 21v. **Bibl.** Ed. cit., introduction; Corp. iur. civ. ed. stereot. 3 ix-x; P. Noailles, *Les collections de nouvelles de l'empereur Justinien* 2 vols. [Paris 1914] I 147-60; Conrat, *Geschichte* 121-30.)

fol. 48r-v **Justinianus, Novella** (Nov. 150 pr.)

(Textus) Legis interpretationem culmini competere ... (Finis) mancipari obseruarique precipiat. (**Ed.** Corp. iur. civ. ed. stereot. 3.725-26.)

fol. 48v <Incertus auctor, **Commentarium in Epitomen Juliani**, fragmentum>

(Textus) Nouella quare dicitur eo quod nouo tempore ... (Finis) argento auro quas (?) res aut ///

The MS is written in several gothic bookhands, in ink that varies from dark gray to black. Rubrics, capitals, and paragraph signs are in red. Some rubrics were originally lacking and have been added by a modern hand. <I>v has an Italian poem and a series of repetitive *probationes pennae*, among which is the note 'anno domini millesimo trecentesimo quadagesimo quarto.' Catchwords are centered and lightly decorated. Marginal notations (which generally correspond to headings in the edition) appear in at least two later hands. The 17th-century leather binding over wood boards has gold stamping and traces of clasps. <I>r is blank.

Vat. lat. 5927

saec. XIV

Scr. Marsilius de Alamania.

<I> +112 fols. memb. 457 (314) x 297 (190) mm, origin Italy. Quiniones, saec. XIV.

fol. 1ra-112ra **Cinus <de Pistorio, Lectura in Codicem>** (Lib. VI-IX)

(Rubrica) Explicit liber V. Incipit VI. De seruis fugitiuis etc. Rubrica. (Textus) Remota continuatione Placentini continua secundum Azonem ut (*om. cod.*) in glossa ... (Lemma primum) <S>*eruuum fugituum*: In lege ista tria facit imperator ... (Finis) uel cancellacio banni sola equiparatur restitutioni sed indulgentie forte tantum. (Epilogus) <H>ic sit finis non solum huius legis sed et tocius operis ... ubi namque uel bene uel satis inuenietis domino nostro domino Ihesu Christo et eius piissime matri Marie uirgini gloriose mecum gratias agatis. Amen. (Colophon) Finis lecture domini Cyni scribendo complete per Marsilium de Alamania. (**Ed.** Cinus, *In Codicem ... Commentaria* II (Francoforti ad Moenum 1578; anast. repr. Torino 1964) fol. 334va-571vb. See also Vat. lat. 2593.)

fol. 1ra-112ra, passim <**Additiones ad Lecturam Cini**> Bal. (fol. 12rb).

Bibl. Sella, 'Nuove sigle' 10; G. d'Amelio, 'Il *Dictionarium iuris* di Jacques di Revigny', *Tijdschrift voor Rechtsgeschiedenis* 40 (1972) 43-72 at 53 n. 32.

This is the second volume of a set, the first volume of which is not in the Vatican Library. The MS is written in dark brown, almost black, ink in three gothic bookhands: fol. 1ra-46rb; 46rb-88vb; 89ra-112ra (Marsilius of Alamania). The text is corrected by the scribes and 'Corr.' is marked under the catchwords in the ZZ first and third hands, which are more formal than the third. There is a pecia note at fol. 22ra, 'fi. x.

pec. secunde partis'. The MS has been annotated in several hands. Subject headings have been added on some rectos by a later hand. Fol. 1 is stained. Blank spaces have been left for capitals. Rubrics are red. Catchwords are framed and centered. The MS has an early 17th-century leather binding over wood boards with traces of clasps. <I> and fol. 112v are blank.

Vat. lat. 5928

saec. XIV

142 fols. + <I> memb. 465 (370) x 290 (210) mm. Seniones, saec. XIV.

ZZ fol. 1ra-142va <**Guido de Baysio, Rosarium Decretorum**>, imperfectum (C.12 q.1 c.18 *in med.*-Epilogus) (See Vat. lat. 1449 fol. 1ra-338rb for further information.)

Variants:

(Textus) /// maius de primo ibi de secundo hic dicitur ... ??? <Colophon deest.>

(Versus) cordi *pro* cordis.

fol. 142va <Incertus auctor, **Nota de privilegio dato per Innocentium IV fratribus praedicatoribus et minoribus**>

The MS is written in several gothic bookhands in black ink. Picia marks appear irregularly; cf. fol. 3va and 77rb. The MS is sparsely annotated, with the note at fol. 142va added in a later cursive hand. Fol. 1r and 142v are faded. Fol. 1r-4r are ink stained. Major sections of the work begin with illuminated initials, often with zoomorphic or anthropomorphic forms. Chapters begin with red or blue capitals decorated in elaborate penwork in the contrasting color. Running heads are in red. Paragraph signs are red or blue. Catchwords are framed at the lower right. The MS has an early 17th-century leather binding over wood boards with traces of clasps. Fol. 104v is blank except for the running head. <+I>r-v is blank.

Vat. lat. 5929

saec. XIV

Prov. Rome, S. Maria del Popolo O.E.S.A.; Marino Orsini, archbp. of Taranto 1445-1472.

<I> +154 fols. memb. 443 (363) x 268 (228) mm, origin Italy. Quiniones, saec. XIV.

fol. 1ra-98vb **Bonifacius VIII, Liber Sextus** (See Vat. lat. 1394 fol. 1ra-116vb for further information.) *Variants:*

(Rubrica) Sextus liber decretalium domini Bonifacii pape VIII. (Praefatio) altitudo *pro* altitudo <Colophon deest.>

fol. 1ra-98vb **Johannes Andreae, <Glossa ordinaria in Librum Sextum>** (See Vat. lat. 1394 fol. 1ra-116vb for further information.) *Variants:*

(Lemma primum) *episcopus* om. (Textus) motus *add. post* ratione, uel *pro* et (Finis) eis *add. post* utiles. (Colophon) Explicit apparatus domini Iohannis Andree super vi libro decretalium.

fol. 1ra-98vb, passim <**Additiones ad Glossam ordinariam**> ar. (fol. 17va); ar' (fol. 31ra); arch' (fol. 3rb. 4va, et passim); archi. (fol. 4va); G. (fol. 2ra); host' (fol. 3rb); hosti. (fol. 77ra, ZZ 88rb); Io. an. (fol. 1rb, 2ra, et passim); Io. mo. (fol. 2rb, 3va, et passim); Lapis abb' (fol. 23vb); Pap' (fol. 5rb); pau. (fol. 17ra); paulus

(fol. 10va).

fol. 99va-vb <Tabula alphabetica titulorum Libri Sexti>

fol. 100ra-153va <**Clemens V, Constitutiones Clementinae**>, imperfectae (See Vat. lat. 1401 fol. 1ra-60rb for further information.) *Variants:*
(Praefatio) /// oportunitate captata illas uobis sub bulla nostra transmittimus ...
(Rubrica textus) Rubrica. *om.* <Inscriptio textus et colophon desunt.>

fol. 100ra-153rb **Johannes <Andreae, Glossa ordinaria in Constitutiones Clementinas>**, imperfecta (See Vat. lat. 1397 fol. 1ra-68rb for further information.) *Variants:*
(Textus) /// in hoc ordinem quem tradit euangelista Iohannes ... (Finis) nos collocet cum electis per intercessionem uirginis gloriose. (Colophon) Finit apparatus clementinarum. (Subscriptio) Ioannes.

fol. 100ra-153va, passim <**Additiones ad Glossam ordinariam**> abas. (fol. 147ra); B'tran' (fol. 103rb); cy. (fol. 106vb); gen. (fol. 146va); guil' (fol. 106va); Guil' (fol. 147ra, 147va); guill' (fol. 108rb); Guill. de monte (fol. 111ra); Guills. (fol. 146rb); Guills. de monte lauduno (fol. 145rb); Io. an. (fol. 101va, 103vb, et passim); Io. de li. (fol. 101vb, 102rb, et passim); Io. de lig' (fol. 101vb, 107rb); Io. de lig° (fol. 101vb, 103vb, et passim); Io. de ligniano (fol. 102va); Io. de lignano (fol. 123vb); Io. li. (fol. 147ra); lap' (fol. 107ra, 147va); lau. (fol. 108va); math' (fol. 103va, 108va, et passim); pa. (fol. 108va); pau. (fol. 102va, 107va, et passim); paul' de elez. (fol. 112rb); pe. di belaper. (106vb); ZZ ste. (fol. 146va, 147rb, et passim); steph' (fol. 147va, 148ra); sthe. (fol. 102ra, 102rb); zen. (fol. 107ra, 107va, et passim); zencellen' (fol. 122rb).

fol. 153va-154rb **Johannes <XXII, Const.> Execrabilis** (Extrav. Ioan. XXII 3.un.)

Bibl. ZZ Tarrant, 'Clementinae' pt II 122-23, 140; Liotta, 'Appunti' 26 n. 98; Sella, 'Nuove sigle' passim.

The MS is written in a *littera bononiensis* in brown ink. The two works are highly similar but are probably by different scribes; see below. The apparatus of each work is keyed to its text by a system of symbols and *lemmata*. Peca marks appear in both works: cf. fol. 67va (for the gloss) and 109vb (for the text) and 110ra (for the gloss). The MS was corrected, possibly by the same hand which wrote the table on fol. 99va-vb. Each major work has its own older, written numeration. The modern numeration, followed here, is stamped at the lower right. The old numeration of the Sext skips present fol. 7; that of the Clementines begins '2' at present fol. 100v, indicating the loss of one folio. A miniature on fol. 1r fills most of the text space. Major initials in the first part (fol. 1-98) are painted in a variation of the north Italian style, often with vegetative ornamentation and gold disks. Small portrait miniatures appear irregularly. In the second part (fol. 100-153), a similar style has simple square backgrounds and the portrait miniatures appear more regularly. Capitals are red or blue with elaborate penwork decoration in the contrasting color. The style of this decoration is different in the two sections. Rubrics are red, paragraph signs are red or blue. The Orsini arms have been added in the lower margin of fol. 1v. At fol. 1r is written, 'San<cte Marie de Populo> sacri ordinis fratrum eremitarum sancti Augustini reformatorum ex libris r. d. Marini de Vrsinis archiepiscopi Tarentini'. At fol. 154v the same note appears as '<Sancte Marie> de Populo <sacri ordinis fratrum eremitarum sancti Augustini reformatorum> ex libris Marini de Vrsinis archiepiscopi Tarentini'. At fol. 99r

'Conuentus sancte Marie de Populo Rome' is written over '/// messer Erardo de la Magna /// sol<uit> vi ad x de marzo 1343 soc. ///ena inprestat libri ii a di xv de marzo'. Catchwords are framed and centered. The MS has an early 17th-century leather binding over wood boards with traces of clasps. Fol. 99r and fol. 154v are blank except for the notes mentioned above. <I>r-v is blank.

Vat. lat. 5943

saec. XV(1434)

Scr. Laurentius.

<I> +287 fols. chart. 337 (223) x 232 (118) mm, origin Italy (Pavia). Octiones, saec. XV (1434).

<I>v <Incertus auctor, **De repetitionibus in recollectis Catonis de Sachis**>
(Textus) In istis recollectis sunt pulcherrime repetitiones ... (Finis) quas tu ipse despice. Laus Deo et uirgini etc.

fol. 1r-287v **Cato de Sachis, <Recollectae in Infortiatum>**
(Rubrica) Solutio matrimonio quemadmodum dos (*super lin.*) petatur sub famosissimo iuris ciuilis doctore domino Catone de Sachis in studio famosissimo Papiensi de anno 1434. (Invocatio) In nomine Patris et Filii et Spiritus sancti. Amen. (Textus) Consueuerunt maiores nostri in principiis librorum perquirere causas ... (fol. 2v) (Lemma primum) 1. Dotis causa: Lex ista est difficilis et dicitur materiam notabilem ... (Lemma ultimum) § Sed si non adierit: ... supra soluto matrimonio (Dig. 24.3). Tu uero pondera.

Cat. Kristeller. *Iter* II 336; Dolezalek, *Verzeichnis* II. **Bibl.** Sella, 'Nuove Sigle' 7.

Texts commented on are: Dig. 24.3-25.2; 26.1.1-26.1.6.2; 26.2.11; 28.1.1-28.5.87; 28.6.1-28.6.34.2; 28.6.43-28.6.45; 28.7.1; 29.2.1-29.6.4 in med.

ZZ The MS is written in a cursive hand in brown ink. Laurentius signed his name within two of his many *additiones* at fol. 84r *marg.* and fol. 217r *marg.* The capital at fol. 1r is blue and red surrounded by penwork decoration. The capitals at fol. 94v, fol. 255r and fol. 263v are red with decoration in ink. Most of the rubrics are red. For the watermarks, cf. Briquet no. 7876. Catchwords are framed and centered. The MS has a 17th-century leather binding over wood boards with traces of clasps. <I>r is blank except for the Vatican Library stamp. Fol. 87v, 93r-v, 203v, 254r-v, 268r-v, and 271v-272v are blank.

Vat. lat. 5947

saec. XVI

antea 289.

768 fol. chart. 294 (231) x 221 (125) mm, origin Italy. Seniones, saec. XVI.

fol. 1-768 <Incertus auctor>, **<Repertorium alphabeticum Decreti>**, imperfectum
(Rubrica) Decretum abbreviatum per alphabetum A. De abbate. (Textus) Abbas non habens populum non debet cogi uenire ad synodum episcopi. xviii. dist. c. Episcopus (D.18 c.9) ... (Rubrica ultima) De uerbis et uerborum significatione ... (Finis) differentia est inter inuitum et reclamantem. lxxiiii dist. c. primo (D.74

c.1) no. in uerb. aut reclamantem ///

The MS is written in a chancery cursive in darkbrown ink tending toward black in the capitals. Catchwords are perpendicular to the text at the lower right; p. 768: "Dictio". For the watermarks, cf. Briquet no. 47. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one.

Vat. lat. 5948

saec. XVI.1

<I> +194 fols. chart. 287 (232) x 205 (115) mm, origin Italy (Rome?). Octiones, saec. XVI.1.

<I>r <Tabula titulorum>

fol. 1r-194v <Guillelmus Cassador, Decisiones rotae>

(Rubrica) De constitutionibus. Summarium. (Primae decisionis de constitutionibus summarium, *ed.*). (Summarium) Extrauagans Execrabilis § Qui uero (Extrav. Ioan. XXII 3.un. v. Qui uero) in (*om. cod.*) título ... (Rubrica epitomes) Aliud. (Epithome. *ed.*) ... (Epitome) Ponit quatuor tempora quibus uaria fuerunt condita ... (Rubrica textus) Decisio prima. (de consti. *add. ed.*) ... (Textus) Ante concilium Lateranense quod fuit celebratum ab Alexandro tertio Senensi anno 1179 ... (Finis) et cedere supposita reformatione (reseruatiōe *ed.*) secundum Fede. de Sen. in tractatu de permutatione beneficiorum questione prima.

Ed. Guillelmus Cassador, *Decisiones seu conclusiones auree* ... (Venetiis 1544) fol. 1r-245v.

Bibl. C. Lefebvre, 'Rote romaine', DDC 7.769; H. Claude, 'Guillaume de Cassadori', DDC 5.1013; Sella, 'Nuove sigle' 5.

The MS is written in a gothic cursive bookhand in black ink. Capitals sometimes are decorated in ink. The table at <I>r was added in a later hand. For the watermarks, cf. Briquet nos. 49 and 50. The leaves have protective paper over them. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one. <I>v is blank.

Vat. lat. 5955

saec. XVI/XVIIin.

Prov. Lelio Ruini, bp. of Bagnoregio (1612-21).

<XIII> + 334 fols. + <I> chart. 325 (225) x 220 (130) mm. Terniones, saec. XVI/XVIIin.

VIr-VIIv **Gregorius VII, Epistola ad Johannem abbatem sanctae Mariae de Banza ?**

(JL 4929, 1 feb. 1075)

(Inscriptio) Gregorius episcopus seruus seruorum Dei dilecto in Christo filio Iohanni abbati monasterii sancte Marie uirginis constructi in loco qui dicitur Banza ... promouendis in perpetuum (imperpetuum *ed.*) . . (Textus) Superne miserationis respectu ad hoc uniuersalis ecclesie curam suscepimus ... (Finis)

apud districtum iudicem premia eterne pacis inueniant. Actum Rome Kalendis Februarii, Indictione tertiadecima. (**Ed.** MGH Epp. Sel. 2, ed. E. Caspar 632-35, not using this MS.)

VIIIr-XIIr **Urbanus V**, <**Acta in professione fidei Johannis imperatoris Constantinopolitani**> (See Vat. lat. 3979 fol. 1r-2v for further information.)

Variants:

(Inscriptio) Ostiensi *pro* Hostiensi (Datum) septima, die decima mensis *pro* vii mensis; autorizantibus *pro* authorizantibus; Sumptum de registris *pro* Scriptum de registris.

fol. 1r-334r **Gregorius VII, Epistolae** (See Vat. lat. 4907 fol. 1r-225r for further information.) *Variants:*

(Epistola ultima) (Inscriptio) Guilielmo *pro* W. (Textus) Petrum *pro* P. (**Ed.** MGH Epp. Sel. 2, ed. E. Caspar, *passim*, not using this MS, which is mentioned at vii.)

fol. 334v-<+I>r <Notae ex registris Gregorii VII>

(These miscellaneous notes from the Register have references to folios in this MS.)

Bibl. G.H. Pertz, 'Italiänische Reise vom November 1821 bis August 1823', DA 5 (1825) 1-514 at 339.

The MS is written in a single, neat 16th-century cursive, in brown ink. There are minor corrections in a different but contemporary hand, which added the references on fol. 334v- <+I> as well. Because of the letter to the abbot of Banza and the profession of faith of John Paleologus, the MS is classified as part of the same family as R* of Caspar's stemma, random sampling indicates it is similar but not identical to Reg. Vat. 3 (Caspar's R*¹), lacking the 15th-century indices copied into Reg. Vat. 3 from Reg. Vat. 2. On fol. Ir is the note 'Emptus ex libris Ill.mi D. Lelii Ruini episcopi Balneoregiensis anno 1623'. The two watermarks do not appear in Briquet; the first is a fleur de lys on a shield, the second is a unicorn in a circle, slightly similar to Piccard 2244. The binding combines 17th-century green leather covers with a mid-19th-century while parchment spine, Iv-Vv, XIIv, XIIIr-v, and <+I>v are blank.

Vat lat. 5959

saec. XIV

Prov. Lelius Ruini, bp. of Bagnoregio (1612-22).

122 fols. + ZZ 21bis-22 + 90bis memb. 227 (174) x 160 (118) mm. Quiniones , saec. XIV.

fol. 1ra-9rb <Tabula formularii>

fol. 13ra-122vb **Gaucelmus <Johannis Deuza>, Gotius <de Arimino alias de Battaglia>, Jacobus <Atti>, et Gullielmus de <Aura, O.S.B.>, Formularium novum officii poenitentiariae**

(Rubrica) Incipit nouum formularium officii penitentie domini pape... De symonia commissa per abbatem et couentum promictentes se missas celebratur....?? pro pecunia (Textus) Abbati Cauensi. Cum monasterii uestri

ueneranda religio uirtutum debeat candore nitere ... (Finis) secundum Deum
animarum ipsorum saluti uideris expedire. Datum etc. (Colophon) Explicit nouum
formularium officii penitentie domini pape. Correctum et reformatum ... per ...
professores iuris canonici et ciuilibus.

Bibl. Göller, *Die päpstliche Pönitentie* I.1 pp. 27-34 and 65, giving a very brief
description of the MS (siglum E); Haskins, 'Papal penitentiary' passim.

The MS is written in three late gothic bookhands, in brown ink (the hand changes at fol. 63r and 83r). Fol.
1r opens with a large decorated initial. The opening table has some decorated initials, the items are
numbered in roman numerals, continuously to no. 234 (*recte* 224) on fol. 4va and sporadically thereafter.
From fol. 13r-82v, rubrics are red; *formulae* begin with decorated initials, blue with red filigree decoration,
or red with violet. Thereafter the initials are more lightly decorated, from fol. 117v they are just
calligraphically outlined in ink. There are numerous annotations, corrections, and additions in
contemporary hands. The formulae are numbered with roman numerals in the margin. At the bottom of fol.
1r is the note 'Emptus ex libris Ill^{mi} Domini Lelli Ruini episcopi Balneoregiensis an. 1623.' and the
shelfmark, in a modern hand. Prickings are sometimes visible. Catchwords are at the lower right, framed
and decorated from fol. 91v. Fol. 1-12 are of coarse parchment with uneven edges. The MS is bound in
leather and parchment from the 17th and 19th-centuries. Fol. 9v-12v are blank.

Vat. lat. 6054

saec. XV (1482-1483)

Prov. Tristan de Salazar, archbp. of Sens 1474-1519. **Scr.** Franciscus Florius O.P.
<I> +306 fols. + <I> memb. 295 (219) x 209 (149) mm, origin France (Paris?).
Quaterniones, saec. XV (1482-1483).

ZZ fol. [i]^{ra}-cccvi^{rb} **Gregorius <IX>, Decretales** (See Vat. lat. 1379 fol. 1ra-295ra for
further information.) *Variants:*
(Colophon) Finis. Iam uirginis ora Phebus aureus illustrarat (*sic*)... quando
largifluo sumptu diui Tristandi Senonum archipresulis presens decretalium opus
manus Francisci Florii die prima septembris M^o cccc^o lxxxiii^o feliciter expleuit ...
Non deneget tandem rogo item uitae spatium ad penitentiam ut simul hac et
sextum et clementinas Florius ille ... ualeat explere. Amen. Quinta luce posta fata
iciuoduL siger murocnarF.

fol. [i]^{ra}-cccvi^{rb} **Bernardus <de Botone Parmensis, Glossa ordinaria in Decretales>**
(See Vat. lat. 1379 fol. 1ra-295ra for further information.) *Variants:*
(Subscriptio) Ber. (Finis) Finis.

fol. cccvi^{va}-<+I>ra <Tabula titulorum Decretalium>

Bibl. Cf. *Colophons de manuscrits*, ed. Bénédictins de Bouveret II 93 nos. 4263-64;
Extravagantes Iohannis XXII, ed. Tarrant 74 and n. 9.

The MS is written in brown ink in the gothic bookhand of Franciscus Florius O.P., who signed himself at
the conclusion of Book II at fol. clviii^{rb}, 'In uigilia pasche vi^a aprilis M cccc lxxxii. Florius.' The colophon
at fol. cccvi^{rb} is in a Roman round hand. The arms of Tristan de Salazar were painted at fol. . [i]^r, lxxxv^r,

clix^I, and ccxlv^V, each time surmounted by an archiepiscopal hat and cross set in a floral border which extends up between the columns to fill the spaces between text and apparatus. On either side of the arms, the border intertwines the letters, 'I. M.' On fol. ccxxiii^{ra} the arms fill the space at the bottom of the column, but the border and letters are in the usual style. There are miniatures at fol. [i]^{ra}, lxxxv^{ra}, clix^{ra}, ccxxiii^{rb}, and ccxlv^{vb}. Fol. Ira and the beginnings of books II-V of both the text and the apparatus all begin with gold and blue initials. Capitals and the paragraph signs are gold with blue or blue with red decoration, while rubrics are red. The running headers have elaborate penwork decoration. Catchwords are centered, and the edges of the parchment leaves are gilded. The MS is bound in yellow silk over wood boards with traces of clasps. Fol. clviii^V and <+I>^v are blank.

Vat. lat. 6055

saec. XV (ca. 1483)

Prov. Tristan de Salazar, archbp. of Sens 1474-1519. **Scr.** Franciscus Florius O.P.
294 fols. memb. 291 (217) x 193 (148) mm, origin France (Paris?). Quaterniones. saec.
XV (ca. 1483).

fol. 1ra-149va **Bonifacius VIII, Liber Sextus** (See Vat. lat. 1394 fol. 1ra-116vb for further information.) *Variants:*
(Rubrica) Incipit liber sextus decretalium domini Bonifacii pape viii. <Colophon deest.>

fol. 1ra-149va **Johannes Andreae, <Glossa ordinaria in Librum Sextum>** (See Vat. lat. 1394 fol. 1ra-116vb for further information.) *Variants:*
<Subscriptio deest.> (Colophon) Dominus Iohannes Andree.

fol. 150ra-rb <Tabula titulorum Libri Sexti>

fol. 151ra-223vb <**Clemens V, Constitutiones Clementinae**> (See Vat. lat. 1401 fol. 1ra-60rb for further information.) *Variants:*
(Praefatio) digesta *pro* et digesto <Inscriptio textus deest.> (Colophon) Explicit. Deo gratias.

fol. 151ra-223vb <**Johannes Andreae, Glossa ordinaria in Constitutiones Clementinas**> (See Vat. lat. 1397 fol. 1ra-68rb for further information.) *Variants:*
(Textus) deriuationes *add. post* interpretationes (<Colophon>) Amen.

fol. 224ra-228rb <**Clemens V, Const.**> *Exivi* (Clem. 5.11.1)

fol. 228rb-229va **Johannes <XXII, Const.>** *Execrabilis* (Extrav. Johan. XXII 3.un.)

fol. 229va-vb <Tabula titulorum Constitutionum Clementinarum>

fol. 231ra-vb **Johannes Franciscus de Pavinis, Praeludium in extravagantes, regulas cancellariae et decisiones rotae**
(Rubrica) Diuini ac humani iurisconsulti et causarum sacri palatii auditoris d. (B. cod.) Iohannis Francisci de Pauinis ad (*om. cod.*) extrauagantium regularum

cancellarie et decisionum rote noticiam utile preludium. (Praefatio) Quintus Mutius uersus Seruium Sulpitium (Sculptium cod.) illo fuit usus sermone ... (Textus) Notandum quod sententia lata contra extrauagantem publicatam et indubitata est ipso iure nulla ... (Finis) quam in peculiari eorum oratione inuocatus xx. di. c. fi. (D.20 c.3) et Math. xviii (xvii cod. male) c. (Mt. 18.19). (**Ed.** *Extravagantes XX Iohannis XXII* (Parisiis 1508) fol. i^{va}-ii^{rb}. **Bibl.** Schulte, *Geschichte* II 332-33.)

fol. 231vb-232rb **Johannes Franciscus de Pavinis, Apostillae <in Extravagantes Iohannis XXII>**, excerpta> (Extrav. Johan. XXII 1.2 et 4.1)
(Rubrica) Siuini (*sic*) ac humani iurisconsulti sacri pallacii causarum auditoris d. (B. cod.) Iohannis Francisci de Pauinis apostolice (*sic*) ad infrascripta (*sic*) extrauagantes quas idem dominus cum glossa Guillelmi de Monte Lauduno in suo tractatu quem de uisitatione intitulauit inseruit. Hic uero eius industria cum glossa Zenzelini fuere descripte. (Lemma primum) *Suscepti*. Hanc allegat Iohannes Andree in mercurialibus Nemo potest (Sext. 5.13.79) ad finem ... (fol. 232ra) (Lemma secundum) *Sedes apostolica*: Hanc constitutionem allegat decisio in antiquis Io. de Mol. ... (Finis) nos autem transimus cum opinione contraria tanquam communi. (Subscriptio) Io. Fran. (**Ed.** *Extravagantes XX* at fol. lxi^{va}-vb no. ii. fol. lxi^{vb}-lxii^{ra} no. v. The first sentence of the second excerpt was omitted by the scribe. **Bibl.** Schulte, *Geschichte* II 333.)

fol. 232rb-va **Bonifacius VIII**, <**Const.**> *Unam sanctam* (Extrav. commun. 1.8.1)

fol. 233ra-289rb **Johannes XXII, Constitutiones <sive Extravagantes Iohannis XXII>**
(See Vat. lat. 1397 fol. 133ra-171ra for further information.) *Variants*:
(Rubrica) Conceditur electis quod ubicumque moram traxerint sede uacante nullum eius preiudicium generetur. (Colophon) Expliciunt constitutiones Iohannis pape xxii. (**Ed.** and **Bibl.** *Extravagantes Iohannis XXII*, ed. Tarrant 134, using this MS, passim: siglum Vd.)

fol. 233ra-289rb **Jesselinus de Cassanis, <Glossa ordinaria in Extravagantes Iohannis XXII>** (See Vat. lat. 1397 fol. 133ra-171rb for further information.)
Variants:
(Rubrica) Incipit apparatus domini Iessellini de Cassanis super constitutionibus editis per dominum Iohannem papam uicesimum secundum. (Dedicatio) Arnolde *pro* Arnaldo (Finis) erasse *pro* errare <Colophon deest.> (**Bibl.** J. Tarrant, 'The Life and Works of Jesselin de Cassagnes', BMCL 9 (1979) 37-64 at 60.)

fol. 289va-292vb <**Constitutiones sive Extravagantes**>, nominantur: Benedictus XI, Const. *Ex eo* (Extrav. comm. 5.3.1) (fol. 291rb-va), Clemens V; Const. *Etsi in temporalium* (Extrav. comm. 3.2.2) (fol. 291ra-rb); Johannes XXII, Const. *Nuper certis* (Extrav. comm. 3.2.6) (fol. 289va-vb), *Execrabilis* (Extrav. comm. 3.2.4) (fol. 289vb-290ra), *Cum nonnullae* (Extrav. comm. 3.2.11) (fol. 290a-rb), *Ut quos* (Extrav. comm. 1.7.2) (fol. 290rb-va), *Dignum* (Extrav. comm. 5.2.2) (fol. 290va), *Dispendiis* (Extrav. comm. 1.2.un.) (fol. 290va-vb), *Malitiis* (Extrav. comm.

1.4.un.) (fol. 290vb), *Ut praelatorum* (Extrav. comm. 1.8.2) (fol. 290vb), *Etsi deceat* (Extrav. comm. 1.8.3) (fol. 291ra), *Super gentes* (Extrav. comm. 1.1.un.) (fol. 291rb), *Cum nonnullae* (Extrav. comm. 3.2.12) (fol. 291va), *Vas electionis* (Extrav. comm. 5.3.2) (fol. 291va-vb), *Docta* (Extrav. comm. 3.1.un.) (fol. 291vb-292ra), *Ad nostrum* (Extrav. comm. 3.8.2) (fol. 292ra-rb), *Exhibita* (Extrav. comm. 5.7.4) (fol. 292rb-va), *Cum Matthaeus* (Extrav. comm. 5.3.3) (fol. 292va-vb).

fol. 293ra<Tabula extravagantium>

fol. 293rb-294ra **Sixtus** <IV. Const.> *Ad universalis* (Extrav. comm. 1.9.1)

Bibl. *Extravagantes Iohannis XXII*, ed. Tarrant 73-75, giving an Arabic numeration of the MS; Tarrant, 'Clementinae' pt. II 123 and 140, Kuttner, 'Saepe' at repr. *Retractationes* 18.

This is the second of a two volume set written for Tristan de Salazar by Franciscus Florius O.P.; See Vat. lat. 6054 fol. cccvi^{ra}. The text is in Florius's gothic bookhand in darkbrown ink that shades off to black. The constitutions *Unam sanctam* and *Ad universalis* may have been added in another hand. The MS is divided into three sections, each with its own Roman numeration: fol. 1ra-150rb; 151ra-229vb; 231ra-294ra. This MS shares many decorative features with Vat. lat. 6054, except that it lacks the floral borders. Miniatures, gold and blue initials, and the Salazar arms with archiepiscopal cross and hat are found at the beginning of each section of the Sext and Clementines, except for book I of each. The same features are found at the beginning of the *Extravagantes Iohannis XXII* (fol. 233r). Catchwords and gilding of the edges of leaves are as in Vat. lat. 6054. The MS has a 19th-century leather binding. Fol. 150v, 230r-v, and 294v are blank.

Vat. lat. 6093

saec. Xllin.

antea 287. **Prov.** Antonio Agustín, abp. of Tarragona (1577-86); Pedro Galés. **Scr.** Jordanus (annotator).

IV + 179 fols. memb. 282 (193) x 160 (98) mm, origin Southwest France or Northern Spain. Quaterniones, saec. Xllin.

Iv-IIv <Tabula titulorum>

(L. Orfila, 'A proposito del manuscrito 6.093 de la Biblioteca Vaticana', *Hispania Christiana. Estudios en honor del Prof. Dr. José Orlandis Rovira en su septuagesimo aniversario*, ed. J.-I. Saranyana and E. Tejero (Pamplona 1988) 279-302, printing this table at 283-285 and suggesting that it is an analytical index to the additions at the beginning of book I of the Tarraconensis, see *infra*.)

IIv-IVv <**Johannes Cassianus, Collationes**, excerpta>

(Textus) Nunc de abrenunciacionibus disserendum est ... (Finis) quam statutis pertinaciter inherendo poenis grauioribus obligari (ed. 470 line 10). (**Ed.** CSEL 13 73-470, passim. The excerpts include 3.6; 9-10; 6.3; 9.11-13; 17.8 in fin.-9. These texts are entered in a very different hand from the table preceding and the text following, which are in similar hands.)

fol. 1r-179r <**Liber Tarraconensis**, recensio 2>

(Rubrica) Liber 1. Ex decreto Leonis pape episcopis per Siciliam constitutis.

(Textus) Hii autem de quibus scripsistis ... (Finis) donatiani Teleptensis prime sedis subscripsi (subscripsit *ed.*) similiter et omnes episcopi subscripserunt.

(Colophon) Expliciunt Affricæ concilia. (**Ed.** This work is not edited as a collection; however, L. Orfila, 'A proposito del manuscrito 6.093...', 286-302, prints the incipit, explicit, and identification of the 273 chapters which form the additions at the beginning of book I (it should be noted that he renumbers them to 281 without explanation). For the explicit, see the *Collectio Hispana*, PL 84.236.

Bibl. P. Fournier, 'Le *Liber Tarraconensis*. Etude sur une collection canonique du XIe siècle', *Mélanges Julien Havet* (Paris 1895) 259-81; Fournier-LeBras.

Histoire II 240-47; L. Fowler-Magerl, 'Vier französische und spanische vorgratianische Kanonensammlungen', in *Aspekte europäischer Rechtsgeschichte. Festgabe für Helmut Coing zum 70. Geburtstag*, ed. C. Bergfeld *et al.* (Ius commune. Sonderhefte; Frankfurt am Main 1982) 142; G. Fransen, 'Autour de la collection en 74 Titres', *RDC* 25 (1975) 61-73 at 62; A. Agustín, *De emendatione Gratiani* in *Opera* III 1-116, *passim*, referring to this collection as 'Liber Tarraconensis'; Brommer, 'Die Rezeption' at 127, treating two excerpts from the *capitula* of Theodulf of Orléans; J. Petersmann, 'Die kanonistische Überlieferung des Constitutum Constantini bis zum Dekret Gratians', *DA* 30 (1974) 356-449, editing the text at fol. 97v-98v, using this MS (siglum Taur. V) on pp. 416-45.)

fol. 179r **Concilium quidam Narbonense**, canones 3 et 4

(Rubrica) Simili quoddam (*sic*) ex concilio Narbonensi capitulo III. (Textus) Ne aliquis sacerdos missam cantare presumat ... (Rubrica) Capitulo IIII. (Textus) Ne duellionibus quando preparantur ... (Finis) missa cantetur uel corpus Christi tradatur.

Bibl. S. Kuttner, 'Retractiones' to 'Some Roman Manuscripts' 1-3 at 2-3, reassessing the ownership of this volume from his original statements in 'Some Roman Manuscripts' 22-23, and stating that Vat. lat. 6903 is A. Agustín's no. 287, formerly owned by Pedro Galés, and later owned and heavily annotated by Agustín; L. Orfila, 'A proposito del manuscrito 6.093 ...' 280-83, discussing this MS, but unaware of Kuttner's 'Retractiones'.

The *Liber Tarraconensis* is written in black ink in a late Carolingian minuscule hand; the Narbonne texts were added in a contemporary and highly similar hand. The table is also in a similar hand. The excerpts from Cassian were written by a different though contemporary hand in brown ink. In or around 1320 a North-Spanish annotator called Jordanus summarized the canons in the margins; he added a note on his son's birth on fol. 179r: 'Era millesima trecentesima sexagesima quarta anno Domini M° CCC° XX° quinto die /// Martis XVIII° ... natus fuit quidam filius mihi domino Jordani (*sic*), ...', mentioning as godparents Johannes Petri de Mur, Stephanus ' ///aria porcionarius ecclesie S. Petri veteris Osce' and Dominicus Petri de Sancta Cruce, vicar of the church of S. Ciprianus. Many chapters have their corresponding chapters in Gratian written in the margins by A. Agustín. Rubrics are red; chapter capitals are alternately red or ink with yellow decoration. It has an erased ex libris and shelfmark but is otherwise blank. Catchwords are slightly right of center; some have been cut away. The codex has a modern leather and parchment binding that incorporates the 17th-century one. Fol. 179v is blank.

Vat. lat. 6167**saec. XV**

144 fols. chart. 312 (278) x 212 (170) mm, origin Spain (?). Bifolia, saec. XV.

fol. i^r-cxliiii^v **Concilium Perpinianum (1408), Processus**

(Inscriptio) In nomine sancte et indiuidue Trinitatis Patris et Filii et Spiritus sancti. Amen. (Rubrica) Hic est processus eorum que (quod *ed. male*) acta fuerunt in sacrosancto generali concilio Perpiniani celebrato ... (Inscriptio) Ad perpetuam rei memoriam. (Textus) Prouide considerantes antiqui non posse diutius nisi scripto ... (fol. cxliiii^r) (Textus ultimus) Idem. Anno a natiuitate Domini 1416 indictione ix^a die uero xv^a mensis ianuarii ... (Finis) ad primam diem consistorialem post ultimam february proxime uenturi. (Colophon) Iuxta formam in primo instrumento superius annotatam.

Ed. and Bibl. F. Ehrle. 'Aus den Acten des Afterconcils von Perpignan 1408'. *Archiv für Literatur- und Kirchengeschichte* 5 (1889; anast. repr. 1956) 387-487 and 7 (1900; anast. repr. 1956) 576-694, editing fol. i^r-xlvi^v at 5 (1889) 394-464. For the council itself, see Mansi 26.1097-1122.

The MS is a copy of the collection prepared by the notary Guigo Flandrin for the followers of the Avignon claimant, Benedict XIII, and it may have been written at Peñíscola or elsewhere in Catalonia. The hand is a notarial cursive in brown, occasionally black, ink. The three major divisions of the MS are indicated by notes at the bottom of fol. i^r, lxi^r, and cxi^r. The only foliation is the original Roman numerals, followed here. For the watermarks, cf. Briquet no. 15900. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one.

? fol. IX-XIX has a smaller size: 278 (237) x 193 (154); fol. XX is missing, fol. XXI twice, fol. XXIV-XLVII is also smaller.

Vat. lat. 6220**saec. XVI^{lex}/XVII^{lin.}; XVI.2**

404 fols. + 125b + 131b, c+ 144b + 172b + 200b + 204b + 207b, c, d chart. 275 (228) x 200 (140) mm, origin Italy, saec. XVI^{lex}/XVII^{lin.}; XVI.2

fol. 1r-9rb <**Provinciale Romanum**, imperfectum, cum diversis appendicibus>

(See Vat. lat. 5711 fol. ii^r-ix^v for further information. The beginning of the text is missing, reflecting the imperfect nature of the exemplar.)

fol. 9v-14v <**Kalendarium**> (See Vat. lat. 5711 fol. x^r-xv^r for further information.)

(This copy does not include the historical notes discussed and partially printed by Herde, *Audientia* 110-11.)

fol. 15r-84v <**Formularium audientiae litterarum contradictarum**>, recensio vulgata

(See Vat. lat. 5711 fol. xvii^r-lxii^v for further information.) *Variants*:
<Rubrica deest.>

fol. 84v-89v <**Marinus de Ebolo**>, **Tractatus super revocatoriis**, imperfectus (See Vat. lat. 3976 fol. 150v-153r for further information.) *Variants*:
(Rubrica) Incipit Tractatus de reuocatoriis ... (Finis) non admisit alia erit conclusio ut infra dicetur. (The MS ends on p. 214 of the edition, as does Vat. lat. 5711.)

fol. 91r-116v <Incertus auctor, **Responsum ad Alexandrum Rouidium contra executionem extravagantis Pii V**>
(Textus) N. Prouinciae Mediolanensis fisci aduocatus [J.] aduersus apostolicae sedis ius, et decreta scribit ad regis catholici maiestatem ... (Finis) sed hoc humani generis est uitium, recte enim Plinius: Nemo mortalium omnibus horis sapit. (Citations are in the margins, keyed to the text by letters. This *Responsum* lacks both date and signature. It seems to have been written at the end of the century. Fol. 103r-116v contain a first draft of this *responsum*. Alexander Rouidius wrote a letter to the king of Spain against the application of the Bull *Durum nimis* of Pius V (June 1, 1570): cf. fol. 117r-122r below and *Bullarium romanum* 7.827-29.)

fol. 117r-122r **Alexander Rovidius, <Relatio ad Regem Hispaniae>**
(Rubrica) Aduersus attentatam extrauagantis Pii V in hoc statu executionem spoliiorumque et illicitae negotiationis pretensionem informatio tam iuris quam facti ad regis catholici maiestatem Alexandri Rouidii in Mediolanensi prouincia aduocatus fiscalis (*sic*). (Invocatio) Dirige me Domine in uiam ueritatis et iustitiae. (Textus) Noua et insolita commissarii apostolici pretensio ... (Finis) quam Deus optimus maximus diu nobis et christiano orbi incolumem seruet. (Subscriptio) Humilissimus seruus Alexander Rouidius M(aiestatis) V(estrae) in statu Mediolanensi aduocatus fiscalis generalis. Laus Deo ac beatissimae Virgini et beatissimo Ambrosio quibus me semper commendo. (This copy of the letter of Alexander Rouidius has neither the date, nor the name of the king. Like the preceding item, its contents suggest that it was written at the end of the century.)

fol. 123r-216r <**Consilia iurisperitorum in causa de transitu salis inter ducem Ferrariae et Cameram Apostolicam agitata**>
(Inscriptio) Illustrissime et reuerendissime Domine. (Textus) Vt negotium huiusmodi facilius cognosci possit distinguenda sunt tria capita ... (Rubrica) Ferrariensis salis Consilium ultimum (fol. 210r). (Invocatio) Adsit D.O.M. (Textus) Rem toties actam agere uideor dum in hac controuersia salis ... (Finis) et propterea concludo pedagium ipsum hoc omnino ad serenissimum ducem spectare. (There are twenty-one documents or formulae (some with two copies) concerned with the problem of transportation of salt through Ferrara. Addressed to the Duke of Ferrara, most of them are in Latin, some in Italian. Only four texts have signatures. fol. 123r-125v signed by Tiberius Cerasius, advocatus (approving a decision of the Camera Apostolica of feb. 2 1568); fol. 162r-172v by D. Laderchi; fol. 173r-182r by D. Boschetti; fol. 186r-193v by D. Surdi.)

fol. 217r-404v **Antonius Augustinus, Repertorium decisionum Rotae**
<Index repertorii> ... (fol. 224r) (Rubrica) De regulis cancellariae. (Textus)

Regulae ligant statim ante publicationem ... (Finis) non efficit litigiosum beneficium. Put. 3. ut lite penden. Finis. (**Bibl.** G. Mayáns y Sísar, 'Antonii Augustini vitae historia' in Agustín, *Oper*; II xi-cxxi at civ; Bignami, *Bibliothèque* 69 n. 137a A. Bernal Palacios, 'Alfonso de Soto y Antonio Agustín en el MS Vat. lat. 8158', *BMCL* 17 (1987) 95-103 at 101-03. This work, of which there is no known autograph, was attributed to Antonio Agustín as early as 1560 (cf. MS Vat. lat. 6478 fol. 246v). The work circulated under two titles: *Repertorium decisionum Rotae* and *De regulis cancellariae tractatus*, with the same content arranged in different forms. The first form has been published in Agustín, *Opera* VI 597-680. All the MSS which have the title *Repertorium* have the same arrangement as the edition. All the MSS bearing the title *De regulis cancellariae* start with the second book of the edition. In this form of the work, the books of the edition are in the following order: II-I-III (except in Vat. lat. 8158, where they appear II-III-I). This MS belongs to this second group, in spite of the use of the word *Repertorium* in the rubric of the Index. It starts with *De regulis cancellariae* and continues, without any rubric or title, with books I and III. The contents of the first book are almost identical to the edition. The contents of the other two books vary somewhat; some of the titles of the edited book III are integrated into book II. This MS was not used for the edition, but its contents, in spite of the different distribution, are very much the same.)

Bibl. Bignami, *Bibliothèque* 69 n. 137; Herde, *Audientia* I 111, citing the first part of the MS as a copy of Vat. lat. 5711.

The MS is a composite; fol. 1-90 and fol. 217-404 were originally separate units. Quire composition and text size vary throughout, with the text size given above being most common. Fol. 1-90 are a direct copy of Vat. lat. 5711, including the three tables for computation of Easter dates (cf. Vat. lat. 5711) and the additions to the Formulary listed in Herde's analysis at I 109f. The copyist omitted the marginalia present in 5711. The texts corresponding to the folios cut out of 5711 are also missing here. This section was written at the end of the 16th or beginning of the 17th-century by a professional copyist in a very neat and even script in brown ink without any decoration. On fol. 1r at the top of the folio is a note 'Formularium iusticiae'; on fol. 90v, in the same hand, is a title: 'Formularium iustitiae 1400 ex uetusto codice Auenionensi, qui nunc adseruatur in Bibliotheca Vaticana.'

Fol. 91-216 are written in brown ink in several different and individualistic hands of the second half of the 16th-century; fol. 217-404 are in a single, even cursive in gray-brown ink. There is no color or decoration. Fol. 224-404 were originally foliated as 1-181. Watermarks are illegible, but seem to differ with each section. The MS has a cardboard binding with a parchment spine from the early 20th-century. Fol. 90r, 102v, 102b^{r-v}, 122v, 125b^{r-v}, 131b^{r-v}, 131c^{r-v}, 134^{r-v}, 138v, 144b^{r-v}, 146v, 172b^{r-v}, 182v, 193b^r, 194v, 200b^{r-v}, 204c^{r-v}, 205v, 207b^{r-v}, 209v, and 216v are blank.

Vat. lat. 6230

saec. XVI

<I> + 189 fols. chart. 312 (232) x 197 (145) mm. Quiniones, saec. XVI.

fol. 1r-189v <**Concilium Chalcedonense**>, fragmentum (Actio I in med.-III in med.)

Ed. *Acta conc. oecum.*, ed. E. Schwartz, 2.3.1-2, pp. 28 line 22- p. 295 line 6.

The MS is written in black ink by several different scribes, all writing variations of 16th-century cursive. On some folios the ink has eaten away the paper. There is no decoration, although the scribes use various display scripts for rubrics and opening phrases. The quires have an internal numbering system. <I>r has the contemporary cursive title 'Gesta Synodalia'. The watermark is similar to Briquet no. 15745. The MS has a 19th-century parchment binding. <I>v is blank.

Vat. lat. 6231

saec. XVI

Scr. Antonio Agustín.

158 fols. chart. 290 (220/225) x 200 (110/140) mm. Saec. XVI.

fol. 1r-158r (*recte* 1r-41r, 92r-98v, 75r-86v, 99r-126v, 128r, 127r, 128v-136v, 158r, 137r-145r, 41r-74v, 87r-91v, 145v-157v) **Antonius Augustinus, De legibus et senatusconsultis** (Epistola dedicatoria) (Rubrica) Antonii Augustini iurisconsulti Hispani de legibus et senatusconsultis liber ad Ieronymum fratrem. (Textus) Non sum nescius Hieronyme frater cum hic liber ad tuas manus peruenerit ... (fol. 3r) (Rubrica textus) Antonii Augustini archiepiscopi Tarraconensis de legibus et senatusconsultis. (Textus) Legis nomen late patet ... (Finis) Philippicarum libri multa nobis exempla demonstrant.

Cat. Kristeller, *Iter* II 339. **Ed.** Agustín, *Opera* VII 188-89 (Epistola dedicatoria), I 7-138. **Bibl.** G. Mayáns y Sísar, 'Antonii Augustini vitae historia', in Agustín, *Opera* II xi-cxxi at lxxxviii-xc.

The work is preceded by the letter of dedication to Antonio Agustín's eldest brother, Jerónimo, of which the autograph is at the Biblioteca Nacional, Madrid, MS 5754 fol. 51v-53v. The text of the work is an autograph from fol. 27r to 157v. Another hand has written fol. 3r-26r and 158r, but in these folios there are quite a few corrections and marginalia from A. Agustín. On fol. 3r a different hand has written on the upper left corner 'Antonii Augustini archiepiscopi Tarraconensis'. This text differs from the edited one in that the *Praetermissa* added by Fulvio Orsini in the first edition (Roma 1583, pp. 321-23) and included without indication in the *Opera omnia* are missing here. Most of the titles and subtitles of the first and second parts of the edited text are also missing. The *De legibus xii tabularum* and the *De senatusconsultis liber* are practically identical to the edited text. There are three former numerations: one for the *epistola dedicatoria*; another for the *Disputatio de legibus*; and a third one for the remainder of the volume. The most recent numeration for the whole MS, written in pencil is followed here. The ink has bled through the page on many folios. Catchwords are at the lower right of the verso of each folio. There is no decoration. The MS was taken apart to reinforce the pages with transparent paper, so neither the watermarks of the paper nor the original quire structure can be determined. The MS is bound in parchment. Fol. 26v, 127v, and 158v are blank.

Vat. lat. 6252

saec. XVI

antea 5777. **Scr.** Antonio Agustín. Prov. Antonio de Aquino.

<II> + 282 fols. + <I> chart. 234 (200) x 170 (140) mm, origin Italy (Rome ?). Saec. XVI.

fol. 1r-7v, 51r-52v (*recte* 51r-52v, 1r-7v) **Antonius Augustinus, <De minoribus synodis**

et pseudosynodis ex temporum ordine>, imperfectus

(Textus) An. 68 Christi Clemens coepit cuius sunt canones dicti Apostolorum ut apparet ex libris Constitutionum ... (Finis) an. 451 quarta synodus Chalcedonensis an. 2. Marciani imperii ind. 5. mensis oct. (This work consists of a list of brief descriptions of approximately 180 synods and pseudosynods in chronological order. Most of the entries are represented in the following work.)

fol. 9r-49v, 53r-232r (*recte* 81r-119r, 121r-232r, 9r-49v, 53r-80r) **Antonius Augustinus**, <**De synodis et pseudosynodis commentaria**>, imperfecta
(Rubrica) De omnibus conciliis ex temporum ordine. Incerti. (Rubrica secunda) De prima uniuersali synodo. Conuenit aduersus Arium Nicaeae synodus generalis anno decimo imperii Constantini Maximi ... (Finis) Monothelitarum dogma mucrone anathematis pertulit, et synodica Sergio CP. et Ioanni Romano papae transmisit (**Ed.** Agustín, *Opera* V vii-lxxx, from this MS. **Bibl.** G. Mayáns y Sísca, 'Antonii Augustini Vitae historia' in Agustín, *Opera* II ix-cxxi at ciii-civ; C. Leonardi, 'Per una storia' 597-600. The work is divided into three parts: general councils (fol. 81r-119r), minor synods in three sections (the original sequence = fol. 121r-190v, a set of numbered *praetermissae* = fol. 191r-215r, and unnumbered *praetermissae* = fol. 217r-232r), and pseudosynods in two sections (the original sequence = fol. 9r-49v, 53r-69v, and numbered *praetermissae* = fol. 71r-80r). The first part coincides completely with the edition except for the passage on fol. 119r: 'Interpretatio canonum (canones tres, *interl. add.*) octauae synodis, quae inscribitur prima et secunda CP. in templo sanctorum Apostolorum. Quidam dubitant, cur haec una synodus prima et secunda dicatur. Temporibus', which was omitted from the edition (p. xxix^b. where it should follow '... ad uerbum habita est'). The second and third parts have been rearranged for the edition, as indicated by the editors' cross-references (e.g. fol. 172v, 184v, 215r) and the rubric 'Synodus CP aduersus Ioannem' on fol. 45v (*ed.* p. lxxii^b). Important differences between the edition and the MS include: 1. The council 'Illyriciana' (*ed.* p. xiv^b) is in the MS under the title 'Gallicana' (fol. 194r); 2. ZZ The council 'Romana' (fol. 204v) has become two different councils of Rome in the edition (xliii^b (1) and xlv^b); 3. The council 'Romana' (La [3]) has been struck out on fol. 215r, since it duplicates the text on fol. 175v, but appears in the edition (*ed.* p. xlix^b [1]); 4. The council 'Romana' on fol. 157v has two texts from Eusebius and Theophanes which are missing in the edition (*ed.* xxxiv^b); 5. The council 'Tiburiensis' on fol. 230r has a second paragraph entitled 'Apud Theodonis Villam' which is missing from the edition; 6. On fol. 154r-v there are two long descriptions of a synod of Rome and of a synod of Carthage, taken from the letters of Cyprian, which are omitted from the edition.)

fol. 233r-282r (*recte* 233r-278r, 281r, 280r, 279r, 282r) **Antonius Augustinus**, <**De quibusdam ueteribus canonum ecclesiasticorum collectoribus iudicium et censura**>, imperfectum
(Rubrica) Matthaeus monachus initio Nomocanonis de conciliis et sacris scriptoribus qui canones ediderunt. (Textus) I. Clemens papa romanus edidit lxxv canones qui Apostolorum dicuntur ... (Finis) Susplicari possumus huius esse

Panormiam, aut Anselmi librum, aut Caesaraugustanum, aut Tarraconensem librum, eisdem temporibus scriptos. (**Ed.** Agustín, *Opera* III 217-244. **Bibl.** C. Leonardi, 'Per una storia' 599 n. 71. The whole work is in Antonio Agustín's handwriting, except the text that starts with 'Capitula, quae domino mediatore' on fol. 271r (*ed.* 235b). This MS was not used to prepare the edition, cf. Vat. lat. 6484. There are important differences with the edited text: 1. The last lines of cap. 10 of the edition (221b) are missing in the MS at fol. 240r; 2. On cap. 28 (fol. 280r, 281r) the 'iudicium' is after the 'censura'; 3. On cap. 29 (fol. 279r) only the 'censura' is in the MS; 4. Cap. 30 is completely missing in the MS; 5. On cap. 31 the MS (fol. 282r) has only a brief reference to the epist. 49 and 81 (*ed.* 242a). **Bibl.** C. Flores Sellés, 'Escritos inéditos de Antonio Agustín', BMCL 9 (1979) 84-88 at 87; Kuttner, 'Some Roman manuscripts' 16.)

Bibl. Bignami, *Bibliothèque* 112.

This MS is an autograph formed by three different works related to the history of the synods and councils. None of them is really finished and the quires are very irregular in composition. They were bound together later on, but the binding is incorrect. A general title was added on fol. [IIr]: 'Observationes seu notationes de synodis et collectoribus canonum', followed by the call number and by the note of donation 'Dono datae Bibliothecae Vaticanae a (sic) Illmo. D. Antonio de Aquino episcopo Sarnensi, nunc uero Archiepiscopo Tarentino'. There are two different foliations. The modern stamped one is followed here. For the watermarks, cf. Briquet nos. 6033 and 8047. The MS has an 13th-century parchment over cardboard binding. Fol. [Ir-v], [IIr], 8r-v, 13r-v, 23r-v, ZZ 27r-v, 28r, 31r-v, 32r, 34v, 35r-v, 39v, 40r-v, 44r, 46r, 50r-v, 54v, 55r-v, 64r-v, 68v, 70r-v, 73v, 74r-v, 80v, 92r-v, 101v, 102r-v, 107v, 108r-v, 112r-v, 115v, 116r-v, 119v, 120r-v, 122r-v, 128r-v, 131v, 132r-v, 136r-v, 137v, 138r-v, 139v, 140r-v, 142r-v, 146r, 147r, 160r-v, 162r-v, 168r-v, 169r, 215v, 216r-v, 232v, 233v, 234v, 235v, 236v, 237v, 238v, 239v, 240v, 241v, 242v, 244r-v, 245v, 246r-v, 248v, 250v, 252v, 256v, 259v, 260r-v, 266v, 269v, 270v, 271v, 272r-v, 274r-v, 276v, 278v, 279v, 280v, 281v, 282v, and <+Ir-v> are blank.

Vat. lat. 6290

saec. XV

Prov. magister Jacobus de Zabaliis(?); Genexius de Sp///cis (?).

135 fols.+ 41a-b, 43a-c, 74a, 77a-i, 114a-c, 116a-b, 125a-k, 132a-e chart. 212 (137) x 150 (75) mm, origin Italy. Quiniones, Seniones, saec. XV.

fol. 1r-2v <Tabula alphabetica>

(The table begins 'Incipit formularium domini nostri pape,' but there are no key numbers or clues to indicate the texts to which the table refers.)

fol. 2v-3v **Innocentius IV, Const. Perlectis litteris** (See Vat. lat. 3994 fol. 34r-v for further information.) *Variants:*

(Rubrica) Incipit decretalis domini Innocencii pape iiiitⁱ. (Textus) Perlectis uestris litteris *pro* Perlectis litteris uestris (Finis) in effectu *pro* manifesta.

fol. 3v **Nota de iniuria**

(Rubrica) Nota de enormi iniuria. (Textus) Nota quod enormis iniuria est si perueniat ... (Finis) infra de litteris absoluendis. (This is a rearrangement of the text which appears in Vat. lat. 3994 fol. 39v-40v.)

fol. 4r-5r <**Feriae poenitentiariae**> (See Vat. lat. 2663 fol. 20va-21rb for further information.)

fol. 5r-11r <**De observantiis poenitentiariorum**> (See Vat. lat. 3994 fol. 19r-23v for further information.) *Variants:*
<Rubrica deest.> (Praefatio) non *pro* nouam <Rubrica textus deest.> (Textus) in *om.* (Finis) in recipiendis *pro* incipiendo; manibus *pro* manu domini; Et hoc similiter in die cinerum in recipiendo cineres benedictos de manu domini papae *add.*

fol. 11r-16v <**Casus pertinentes ad officium poenitentiariae**>, versio alia
(Rubrica) Hic nota capitulum de reconciliatione apostate in fide (*sic*). (Textus) Qui adultus baptizatur non debet promoueri ... (Finis) utitur auctoritate episcopi et etiam substitutus. (This text is in a different arrangement from that at Vat. lat. 3994 fol. 34v-39v, which begins 'Impositio sollempnis'; cf. fol. 16v here.)

fol. 16v-22v <**Summa de absolutionibus et dispensationibus**, sive Summa Nicolai IV, cum additionibus> (See Vat. lat. 2663 fol. 34r-38v for further information.)
Variants:
(Rubrica praefationis) Quibus et quibus peccatis penitentiarii possunt absolvere et dispensare. <Rubrica textus deest.> (Textus) ignorante beneficiato *om.* (Finis) absolutionem petierunt per procuratores eorum, qui torneamentis interfuerunt. (Ed. Göller, *Die päpstliche Pönitentiarie* I.2 p. 3 for the explicit.)

fol. 22v <**Collegium cardinalium, Mandatum ad poenitentarios**>
(Textus) Item uel episcopus Ostiensis tunc sancti Martini presbyter cardinalis, Iohannes sancte Marie inuiolate (*recte* in Via Lata) diaconus cardinalis, auctoritate sacri collegii committunt fratri Iohanni et fratri B. penitentiariis ut quilibet eorum excommunicatos pro decimis terre sancte ... (Finis) ad unum cardinalem de prelibatis. ZZ (Ed. Göller, *Die päpstliche Pönitentiarie* I.2 p. 98, not using this ms.)

fol. 23r-24r <**Casus in quibus poenitentiarii minores possunt absolvere et dispensare**>
(Rubrica) Hic notatur magis auctoritas poenitentiariorum. (Textus) Possunt poenitentiarii minores domini nostri pape absolvere omnes uenientes ad sedem apostolicam ... (Finis) possint haberi iuxta formam eis traditam et consuetam etc. (Ed. Göller, *Die päpstliche Pönitentiarie* I.2 pp. 179-80, not using this MS.)

fol. 24r **Absolutio in articulo mortis**
(Rubrica) Absolutio in articulo mortis omnium peccatorum quando datur plena indulgentia per dominum nostrum papam. (Textus) Primo dicat infirmus confiteor Deo ... (Finis) plenariam indulgentiam concessam a domino papa pro ultimo articulo mortis tue. + In nomine Patris et Filii et Spiritus Sancti. Amen.

fol. 24r-35r **Benedictus XII, Const. In agro dominico** (See Vat. lat. 2663 fol. 7r-11v for further information.)

fol. 35r-37r **Taxationes <litterarum poenitentiariae>**, fragmentum (See Vat. lat. 1663 fol. 11v-16r for further information.) *Variants:*
(Rubrica) Ordinacio siue constitutio facta super taxacionibus faciendis pro litteris penitentie per dominum Petrum cardinalem Penestrinum (*sic*) de mandato prefati domini Benedicti pape XII. (Inscriptio) Penestrinum *pro* Penestrinus: et Gaucelmus *om.* (Finis) qui sponte suspectus ab heresi non ultra quatuor Turonenses. (For the ending, cf. p. 224 of the edition.)

fol. 37r-39v <**Additiones ad formularium poenitentiariae, tempore Johannis XXII**>
(Rubrica) Nullus extra officium potest dispensare super irregularitate nisi maior penitentiarius. (Textus) Anno domini millesimo ccc xii^o dominus Iohannes papa XXII pontificatus sui anno vi^o de mense ianuarii ordinavit et mandavit quod camerarius pape sacri collegii cardinalium ZZ auditor domini pape in nullo casu cum aliquo super irregularitate dispensare presumat ... (fol. 38v) (Rubrica ultima) Ista ponantur de apostatis. (Textus) Anno domini millesimo cccxxvii die sabbati post festum beati Martini idem dominus papa commisit maiori penitentario ... (Finis) ad liberandum terram sanctam de suo soluere tenebantur.

fol. 39v-41v **Formulae absolutionis**
(Rubrica) Forma absolutionis cum iniecit quis manus in sacerdotem etc. (Textus) Auctoritate domini nostri pape qua fungor ego te absolvo ... (Rubrica ultima) Alia forma. (Textus) Eadem auctoritate absolvo ... (Finis) si habes bonam uoluntatem confitendi. In nomine Patris et Filii et Spiritus sancti. Amen.

fol. 42r **Benedictus XII, Privilegia et stipendia poenitentiariorum**
(Rubrica) Priuilegium penitentiariorum. (Textus) Primo sunt immediate subiecti Romano pontifici ... (Finis) item sunt commensales domini pape etc. (This is a variant version of the text in Vat. lat. 3994, fol. 18v-19r, and printed in Göller, *Die päpstliche Pönitentiarie* I.2, equivalent to Göller's text to the bottom of p. 177.)

fol. 42v-43v <**Formula absolutionis**>
(Inscriptio) Lucas miseracione diuina etc. religioso uiro fratri Iohanni de Heremo domini pape penitentario ad presens in Romana curia residenti salutem in Domino. (Textus) Suam (*sic*) nobis frater P. presbiter monachus professus monasterii etc. ordinis etc. diocesis etc. lator presencium petitionem monstravit quod ipse olim post publicationem quorundam(?) processuum apostolicorum 'Nuper cum in uinea Domini' (Finis) ad satisfactionem tenetur satisfaciatur competenter. Datum Luce (*sic*) etc. pontificatus Urbani pape VI anno quinto etc. (The formula is for the absolution of a monastic adherent of Robert of Geneva.
Bibl. Haskins, 'Papal penitentiary' 440 n. 77; cf. M. Meyer, *Die Pönitentiarieformularsammlung des Walter Murner von Strassburg* (Spicilegium Friburgense 25; Freiburg, Switz. 1979) 330 no. 389 for a similar type of

document.)

fol. 44r-64r <Incertus auctor, forsan **Berengarius Fredoli, Summula**> **in foro poenitentiali**, imperfecta (See Vat. lat. 4614 fol. 1r-50r for further information.)

Variants:

(Rubrica) Incipit summa in foro penitentiali brevis et utilis ac ualde necessaria.

(Finis) si uero scit quis probabiliter uel credit. (**Bibl.** P. Michaud-Quantin, 'La "Summula in foro poenitentiali" attribuée à Berengar Fredol', SG 11 (1967) 146-67 at 167. The text breaks off abruptly in Part II, so it cannot be identified as version A or B. The last item belongs to the section 'de ementibus rapinam', cf. Michaud-Quantin, art. cit. 155.)

fol. 66r-12-5v <**Formularium supplicationum**>. imperfectum

(Rubrica) Incipiunt supplicationes sacre penitentie super singularis formis dicti officii formularii. Et primo rubrica de matrimonialibus de contrahendis in 4^o consanguinitatis et affinitatis gradibus. (Textus) Exponitur s. u. pro parte deuotorum uestrorum pe. n. laici et ka. n. mulieris ... (fol. 125r) (Rubrica) Pro presbytero qui sine licentia curatorum uel non statuto tempore quasdam personas matrimonialiter copulauit et bis in die celebrauit. (Textus) Exponit etc. quod ipse olim quasdam personas ... (Finis) super irregularitate etc. de gratia speciali. (Rubrica ultima) Pro presbytero qui nonnullos /// (The text breaks off in mid-rubric. For the last item, cf. Meyer 356 no. 477. **Bibl.** F. Tamburini, 'Note diplomatiche intorno a suppliche e lettere di Penitenzieria (sec. XIV-XV)', AHP 11 (1973) 149-208 at 175-76 n. 2, characterizing this work as a 'formulario di suppliche'; Haskins, 'Papal penitentiary' 441 n. 84, citing this MS.)

fol. 126r-134r <**Taxationes litterarum poenitentialiae, saec. XV**>, imperfectae
(Rubrica) Taxe litterarum penitentie. Incipiunt rubrice sacre penitentie apostolice et primo de incestu. Taxa. (Textus) Quando quis cognouit consanguineam in secundo gradu affinitatis uenit in forma ... (Finis) in totum grossos xiiii^{or}. (**Ed.** Göller, *Die päpstliche Pönitentiarie* II.2, pp. 141-45, from this MS, to the bottom of fol. 131r, after which the work becomes fragmentary. At the top of fol. 132r is the rubric 'de excommunicatis' and the beginning of an entry. Fol. 133v has only a few words; the entries on fol. 134r are unlabelled.)

Bibl. Göller, *Die päpstliche Pönitentiarie* I.1 pp. 73-74; Haskins, 'Papal penitentiary' 426 n. 15.

This MS is composite in structure; the earlier parts (fol. 1r-41v and 44r-64r) were written in an Italian gothic bookhand in gray-brown ink. The other texts were added in cursive hands in gray ink: fol. 42r-43v (a Germanic hand); fol. 66r-134v (several similar hands). In the earlier work (fol. 1r-41v, 44r-64r), initials, rubrics, and paragraph signs are red; catchwords are in the lower left corner, often cut away. On fol. 66r-134r, rubrics and initials are in ink, often decorated in red, fol. 66r opens with two heavily decorated but clumsy large initials. Running titles added by a later hand appear in the upper right corners of fol. 66-82, 94-114, 126-131; catchwords in this section are centered. Marginal notes in several hands occur throughout the MS. The numerous blank folios and the arrangement of the texts, especially in the second half of the MS, indicate that it was meant to be a working manual, with room for additions. On fol. 65r is an inscription for a letter to the abbot of Farfa (probably the beginning of a formula letter); on fol. 65v is a

record of the appointment to the penitentiary tribunal of Genexius de Sp///cis, cleric of Novara, who may have been among the owners (and copyists) of the volume. At fol. 134v appears the note, 'Magister Iacobus de Zabaliis habuit'. Fragments of formulae appear at fol. 134v and 135v. The shelfmark '6290' is written at the bottom of fol. 1r. For the watermarks, cf. Briquet no. 3688. The MS has a leather and parchment binding, partly 17th-century, partly 19th-century in origin. The following folia are blank: fol. ZZ 41a-b, 43a-c, 64v, 74a, 77a-i, 83v, 91v, 91a-b, 92r, 101v, 104v, 110v, 114v-114c^v, 116v-116b^v, 120v, 125a-k, 129v, 131v, 132v-132e^v, 133r, and 135r.

Vat. lat. 6330

saec. XIV

Prov. M. de Guadagnis; Lazarus de Papia (?); Benincasa de Prato (?).

<II> + 516 fols. chart. (memb.: I-II, fol. 516) 287 (227) x 203 (152) mm, origin Italy (Rome ?). Saec. XIV.

fol. 1r-515v <**Formularium Urbani VI**>

(fol. 1r-23r) <Tabula contentorum> ... (fol. 24r) (Epistola prima) (Rubrica) Indicitur treuga inter imperatorem et ducem Andrie. (Inscriptio) Ad futuram rei memoriam. (Textus) Pacifici regis tenentis ... (Epistola ultima) (Rubrica) Clausula seu nonobstantia quod quamprimum ex altera etc. (Textus) Seu quod ad dilecti filii abbatis ... (Finis) contrariis non obstantibus quibuscumque. Datum etc. (Colophon) Explicit etc. Deo gratias. Amen.

fol. 1r-2r, 23v, 516r-v <**Additiones ad Formularium**>: papa incertus, *Dignum arbitramur et congruum* (fol. 1r); Bonifacius IX(?), *Rationi congruit* (fol. 1r-v); papa incertus, *Humilibus supplicum* uotis (fol. 1v-2r); Urbanus VI, *Dudum felicitis recordationis Gregorius XI* (fol. 2r); papa incertus, *Grata tue deuocionis* (fol. 23v); Bonifacius <IX>, *Humilibus et honestis* (fol. 516r-v?) so oben.

Bibl. *Repertorium Germanicum II* (Urban VI, Bonifaz IX, Innocenz VII, und Gregor XII), ed. G. Tellenbach ([Rom?] 1933; repr. Berlin 1961) 17*, briefly describing this MS; Dietrich von Nieheim, *Der Liber Cancellariae Apostolicae vom Jahre 1380 und der Stilus Palatii Abbreviatus*, ed. G. Ehler (Leipzig 1888; repr. Aalen 1971) 205, concerning the papal scribes Lazarus de Papia and Benincasa de Prato; F. Tamburini, 'Note diplomatiche intorno a suppliche e lettere di penitenzieria (sec. XIV-XV)', AHP 11 (1973) 149-208 at 205 n. 15, citing the document on fol. 484v-488v; C. Cenci, 'Bolle francescane in un formulario scritto sotto Urbano IV [recte VI]', *Studi francescani* 77 (1980) 375-94, describing the MS and its contents at 375-80 and editing texts from fol. 48r, 60v, 71v, 76r, 79r, 89v, 187r, 312v, 318r, 319v, 326r, 328v, 329v, 330v, 333r, 405r, 482r, 482v at 380-94 (cf. 375 n. 1 on the earlier owners of the MS).

The MS is written in gray ink, with no other color, in several late gothic cursive hands. Capitals are sometimes simply decorated; rubrics are in the ink of the text and often crowded into inadequate space. Catchwords are centered, sometimes decorated or framed. The MS has been rearranged in several ways, indicated by three different foliation systems. The oldest foliation, in roman numerals, runs i-ccccxcii, cccccix (present fol. 37-515, 24-36, 516=499 515=ccccclxxix), excluding the table and the pages preceding it. A 15th-century handwritten arabic foliation 1-298 begins with the present fol. 1 and is continuous to 34 (present fol. 36, the present fol. 10-11 being omitted); it resumes with 35-298 on the present fol. 252-515. The modern stamped one in the lower right corner is followed above. The table (fol. 3r-23r) refers to the

roman numerals: entries for i-ccccxxxxi in a contemporary hand, and the rest (to cccxcxii) in one much later. There are occasional notations, cross-references, and corrections. A few documents have been cancelled, sometimes with the notation that they are duplicates. On 1r are the notes 'Formularium', and 'M. de Guadagnis'; 11r contains the single word 'formularium'. In the upper margin of fol. 1r is the title 'Formularium Urbani 6', in a fine italic cursive hand. On fol. 516v is the note 'Hoc formularium est mei Lazari [Ben. de ///] domini nostri pape secretarii ac litterarum apostolicarum scriptoris et abbreviatoris'. Fol. 3, 8, and 91 are damaged. For the watermarks, cf. Briquet nos. 7504, 7662, 3291, 2370, and 790. The binding is of leather and parchment, 19th-century restoration of 17th-century work. <I>v, <II>v, and fol. 2v are blank.

Vat. lat. 6332

saec. XVin. (ca. 1418)

IV + 172 fols.- 155 + I memb. 286 (206) x 221 (156) mm, origin Italy (Rome).
Quiniones, saec. XVin. (ca. 1418).

IVv <Papa incertus>, **Epistola ad episcopum Traiectensem**

(Rubrica) De declaratoriis. Semper episcopis commituntur et non aliis neque uicariis. (Inscriptio) Venerabili fratri episcopo Traiectensi etc. (Textus) Dilectus filius Antonius Didonis rector parochialis ecclesiae in Fancherio ... (Finis) successum de iure fuerit faciendum. Datum etc. (This piece is in a later hand.)

fol. 1r-13v <Tabula contentorum>

fol. 13v-19v <**Formulae privilegiorum**>

(Rubrica) Tractatus de modo et forma scribendi et formandi priuilegium commune etc. (Textus) Forma scribendi priuilegium commune talis est ... (Finis) apud districtum iudicem premia eterne pacis inueniant. Amen. (**Ed.** Tangl, *Päpstliche Kanzleiordnungen* 303-06 (nos. 102, 103, 104), cf. 229-32. These are standard forms for privileges for Benedictin, Cistercian, and Augustinian religious.)

fol. 19v-115v, 127v-139r <**Formularium audientiae litterarum contradictarum**> (See Vat. lat. 5711 fol. xvii^r-lxvii^v for further information.) *Variants*:

(Rubrica) Quomodo litterarum domini pape alie bullantur cum filis sericis, alie cum cordis canapis ... quis cognoscere possit et scire. (Textus) Et *om.*, littere *pro* litterarum, nostri *add. post* domini uero *add. post* sericis, alie (Finis) debet narrari, ut supra dictum est. (**Ed.** Herde, *Audientia*, II passim, using this MS (siglum D), the last item is at II 539 (Q 15, 59); G. Barraclough, 'The chancery ordinance of Nicholas III', QF 25 (1933-34) 192-250 at 236-50, using this MS (siglum B5) to edit fol. 27r-30r.)

fol. 116r-127v <**Marinus de Ebolo**>, **Tractatus de revocatoriis** (See Vat. lat. 3976 fol. 150v-153r for further information.) *Variants*:

(Rubrica) Incipiunt regule reuocatoriarum super appellationibus secundum cursum cancellarie sancte Romane ecclesiae. <Rubrica textus deest.> (Textus) remotis *pro* leuioribus (**Ed.** P. Herde, 'Marinus von Eboli', 196-229, using this MS: siglum D.)

fol. 139r-145r <**Marinus de Ebolo**>, **Tractatus de confirmationibus**, imperfectus (See Vat. lat. 3976 fol. 153r-155r for further information.) *Variants:*
(Rubrica) Super confirmationibus *marg. al. man.* (Praefatio) sunt *om.* <Rubrica textus deest.> (Finis) ab aduersa parte obtentum pro se sententiam tulisse etc. (**Ed.** Herde, 'Marinus von Eboli' 230-50, using this MS (siglum D). The text in the MS ends on p. 247 of the edition.)

fol. 145r-171r <**Formulae variae**>

(Inscriptio) Innocencius quartus ordinario. Salutem etc. (Textus) Cum sicut ad audientiam nostram ... (fol. 170v) (Inscriptio) Dilecto filio abbati monasterii beate Marie de Launax Cistercien. ord. Venecen. dioc. Salutem etc. (Textus)
Significasti nobis quod nonnulli monachi et conuersi ... (Finis) excessibus libere officii tui debitum exequaris. (Datum) Gebennis etc. (The most recent documents date from 1418.)

Bibl. Herde, *Audientia* I 125-18, describing this MS (siglum D).

The MS is a product of the papal chancery from the period of its reorganization under Martin V around 1418. It is written in a single gothic cursive hand, mostly in gray-brown ink. Corrections, some marginal notes, and the *resolutiones* in the ordinance of Nicolas III (fol. 27r-30r) are in a contemporary, similar hand. Capitals are in ink, sometimes lightly decorated. Rubrics are also in ink, in a combination of heavy versals and formal gothic bookhand. Although there is no fol. 155, there is no lacuna in the text. There are some marginal notes in several 15th-century humanistic cursive hands. In the first part of the MS (to fol. 145) these are sparse, but in the rest of the MS there are extensive notations in a single, very fine humanist hand, ending in a note on fol. 171r, 'Boetius. Miserrimi ingenii est semper inuentis uti et numquam inueniendis'. The annotator may have been part of Poggio Bracciolini's circle; cf. Herde, *Audientia* I 174. <I>r contains only the shelfmark, <I>v, various erased notes. On <II>r is the note 'Sum Jani et pietas ducit me parcere uictis'. Fol. 172r contains the notes 'de citationibus' and 'Nota quod auditor habet pro quolibet iulio unum Bologninum.' Fol. 172v-<+I>r contain various notes, perhaps *probationes peninae*. Catchwords are at the lower right near the edge of the folio; on fol. 40v, instead of a catchword, is 'iiii^{us}'. The quires are numbered in large Roman numerals on the first recto of each quire. The MS has been trimmed; most of the catchwords are missing and some of the numbers are mutilated. The outside vertical edge of fol. 145 has also been cut down. The MS is bound in 17th-century green leather with a 19th-century white parchment spine. <II>v-<IV>r, 171v, and <+I>v are blank.

Vat. lat. 6343

saec. XVI

<V> + 320 fols. chart. 270 (205) x 205 (132) mm, origin Italy. octava (nona cod.), saec. XVI.

fol. 2r-9v <Index contentorum>

(The index is arranged by subjects, arranged in ten groups, and refers for each item to folios of the MS.)

fol. 18v-19r <**Pseudo-Bonifacius VIII, Professio fidei**>

(Rubrica) Iuramentum siue professio summorum pontificum de antiquis libris ecclesie sumptum precipue ex diurno. In nomine sancte et indiuidue Trinitatis

amen. Anno IIII dominice incarnationis millesimo CCLXXXX (CCXIII *ed.*) ZZ indictione nona. (Textus) Ego Benedictus Gaysanus sancte Romane ecclesie diaconus cardinalis ... (Finis) (presentibus etc. *add. ed.*) ZZ sinceriter offero. Actum Rome mense anno et indictione quibus supra. (**Ed.** Finke, *Acta Concilii Constanciensis* II 616-18.)

fol. 19r-20r **Eugenius <IV, Bulla unionis Graecorum>** (See *Vat. lat. 2934 pars I fol. 320r-323r for further information.) *Variants:*
(Rubrica) Unio ecclesie orientalis ecclesie occidentali.

fol. 20r-93v <**Theodoricus de Nyem, Liber secundus cancellariae**> (See Vat. lat. 3984 fol. 48r-108r for further information.) *Variants:*
(Datum) apud sanctum Petrum *om.* (Tangl's formulae CII-CV are on fol. 20r-22v. Fol. 23v-27v are blank, then on fol. 28r Tangl's formula CVI begins, preceded by the red title: 'Incipiunt diuerse forme litterarum domini pape. Indulgetur, ut confessor quem elegerit ...' and the first formula directed to 'Johanni Branchatio canonico ecclesie Aretine'.)

fol. 93v-320v <**Liber cancellariae apostolicae usque ad annum 1555 continuatus**>
(Rubrica) Declaratio quod beneficia collectorum etiam antequam sint in officiis morientium sint reseruata. Urbanus etc. Ad futuram rei memoriam. (Textus) Dudum omnia beneficia ecclesiastica ... (Textus ultimus) (Rubrica) Bulla declaratoria decanatus collegii reuerendissimorum dominorum SRE cardinalium. Paulus ep. s. s. d. Ad p.r.m. Cum uenerabiles fratres nostri ... (Finis) ceterisque contrariis quibuscumque. Nulli ergo ... Datum etc. 1555 undecimo kal. septembris pontificatus ZZ nostri anno primo. (**Ed.** of the last: *Bullarium Romanum* 6.502-04. This continuation is the same as that in Barb. lat. 2850.)

Bibl. M. Tangl, 'Neue Forschungen über den Liber Cancellariae Apostolicae', NA 43 (1922) 553-78 at 554; B. Schwarz, *Die Organisation kurialer Schreiberkollegien von ihrer Entstehung bis zur Mitte des 15. Jahrhunderts* (Tübingen 1972) 245. Although Barb. lat. 2825 is obviously the ultimate source of this MS, direct dependence is excluded by certain transpositions and additions (e.g. on fol. 95v-98r) shared, on the other hand, with Barb. lat. 2850, q.v. An analysis of both MSS and their collation with Barb. lat. 2825 is needed.

The main body of the MS is written by two clearly distinguishable hands. The first, writing after April 1518, is a calligraphic Italian cursive in light brown ink with red rubrics; it starts with the two isolated items on fol. 18v-20r, leaves 9 pages blank (fol. 23v-27v) between Tangl CV/CVI, but avoids any break after the *Liber secundus* (fol. 93v) and continues through fol. 268v (his last entry is Leo X, *Cum nuper quondam Latino*, 12 april 1518), this part clearly has the aspect of a fair copy. The second hand, writing after August 1555, adds the rest in an individual and rather careless hand in dark brown ink with no other color for the rubrics; this section has suffered from acid corrosion of the ink. Fol. 1r carries a title in red: 'Quinternus cancellarie apostolicae cum suo indice amplissimo.' The table on fol. 2-9 is if a hand similar to the first. <I>-<V> were added later; <I>r bears the title repeated on fol. 1r in a heavy block script of the late 16th-century. The same writer entered some notes concerning the origin and juridical value of papal reservations by *regulae cancellariae* on <IV>r; there are references to 16th-century canonists, including Rebuffus and Gomez. For watermarks, cf. Briquet 12205 (cf. Barb. lat. 2850) for <I>-<V>, and Briquet no. 13884-13891 and Piccard vol. XV.3 section X 1747ff. for the main body of the MS. The MS has a 17th-

century green leather binding repaired in the 19th century. <I>v-<III>v, <IV>v-<V>v, fol. 1v, 10r-18r, and 23v-27v are blank.

Vat. lat. 6347

saec. XVI

235 fols. + <98a-f> chart. 263 (187) x 193 (105) mm, origin Italy. Quiniones, saec. XVI.

fol. 1r-95v **Formularium poenitentiarii**

(Rubrica prima) Prorogationes uotorum. (Rubrica secunda) Pro eo qui habet pauperes parentes illius opera indigentes, potest concedi ad maiorem suae conscienciae quietem. (Textus) Quatenus audita prius ipsius oratoris sacramentali confessione si re diligenter ... (Finis) in ea sub regulari obseruantia, neque aliter illi presentes litterae suffragentur etc.

fol. 96r-98r <Tabula alphabetica formularii>

fol. 99r-101r <Tabula materiae>

(This table covers the remaining contents of the volume.)

fol. 102r-110r **Benedictus XII, Const. In agro dominico** (See Vat. lat. 2663 fol. 7r-11v for further information.)

fol. 111r-120v **Taxationes litterarum poenitentiariae** (See Vat. lat. 3994 fol. 9v-18v for further information.) *Variants:*
<Rubrica deest.> (Rubrica textus) Taxationes.

fol. 120v-121v **Benedictus XII, Privilegia et stipendia poenitentiariorum** (See Vat. lat. 3994 fol. 18v-19r for further information.)

fol. 121v-126r <**De observantiis poenitentiariorum**> (See Vat. lat. 3994 fol. 19r-23v for further information.) *Variants:*
(Rubrica) Capitulum *om.* (Finis) recipiendo *pro* incipiendo.

fol. 126v-127v <**Feriae poenitentiariae**> (See Vat. lat. 2663 fol. 20va-21rb for further information.)

fol. 127v-134r <**Summa de absolutionibus et dispensationibus**, sive Summa Nicolai IV, cum additionibus> (See Vat. lat. 2663 fol. 34r-38v for further information.) *Variants:*
<Rubricae desunt.>

fol. 134r-135r **Gaucelmus, Johannis Deuza, Supplicatio ad Clementem VI, cum rescripto papae** (See Vat. lat. 2663 fol. 38v-39v for further information.) *Variants:*
(Rubrica) Nota quod dominus Clemens sextus concessit casus infrascriptos domino Gaucelelmo (*sic*) episcopo Albanensi maiori penitentiario. (Rubrica

- rescripti) Verba domini pape de manu sua scripta et concessionones eiusdem super casibus predictis. (Rescriptum) nostrum *add. post officium*.
- fol. 135v-136v **Forma ad reconciliandum apostatam a fide** (See Vat. lat. 3994 fol. 32v-34v for further information.) *Variants:*
(Rubrica) Sequitur *om.*; Examinatio *om.* (Textus) Respondit *om.*; Petrus *om.*
- fol. 136v-137v <**Innocentius IV, Const. Perlectis litteris**> (See Vat. lat. 3994 fol. 34r-v for further information.) *Variants:*
(Textus) Per litteras uestras *pro* Perlectis litteris uestris.
- fol. 137v-142v <**Casus pertinentes ad officium poenitentiariae**> (See Vat. lat. 3994 fol. 34v-39v for further information.) *Variants:*
Sequitur *om.* (Textus) canonibus *pro* canone.
- fol. 142v-143r <Incertus auctor, **De poenitentibus mittendis ad curiam Romanam**>
(See Vat. lat. 3994 fol. 40r-v for further information.) *Variants:*
<Rubrica deest.> (Finis) Ni pro Si.
- fol. 143r-146r <**Declaratio predictorum versuum**> (See Vat. lat. 3994 fol. 40v-43r for further information.) *Variants:*
<Rubrica deest.> (Finis) Ni pro Si; id in ipsis factor eorum *add.*
- fol. 146r-153r **Bonaguida de Aretio, <Tractatus> de dispensationibus**, forma brevior
(See Vat. lat. 3994 fol. 43r-49r for further information.)
- fol. 153r-171r **Berengarius Fredoli, <De excommunicatione et interdicto>** imperfectus
(See Vat. lat. 3994 fol. 49r-64v for further information) *Variants:*
(Inscriptio) Beterrensi *pro* Biturensi.
- fol. 171r-174v <**Berengarius Fredoli, De exceptionibus duarum regularum circa iniectionem manuum in clericum**> (See Vat. lat. 3994 fol. 64v-67r for further information.) *Variants:*
<Rubrica deest.> (Textus) 18 *pro* xvii (Finis) uersu *pro* uersibus.
- fol. 174v-179v <**Casus in quibus fertur sententia excommunicationis, interdicti vel aliarum censurarum secundum constitutiones Clementinas**> (See Vat. lat. 3994 fol. 67r-70v for further information.) *Variants:*
<Rubrica deest.> (Colophon) Amen. *om.*
- fol. 180r <**De potestate iniungendi poenitentiam ab episcopo commissam**> (See Vat. lat. 3994 fol. 70v for further information.) *Variants:*
<Rubrica deest.>
- fol. 180r-186v **Casus in quibus sententia vel poena incurritur ipso facto secundum constitutiones Clementinas**> (See Vat. lat. 3994 fol. 70v-76v for further

- information.) *Variants:*
<Rubrica deest.>
- fol. 186v-189v <**Summaria titulorum in Constitutiones Clementinas**> (See Vat. lat. 3994 fol. 76v-78v for further information.) *Variants:*
(Textus) Christus fuit mortuus, lanceatus. Anima est fidei catholice forma corporis humani. (Like Vat. lat. 5424 fol. 29r-34v. this MS contains an additional paragraph at the start.)
- fol. 189v-190r. <Incertus auctor, **De exceptionibus duarum regularum**> (See Vat. lat. 3994 fol. 78v-79r for further information.) *Variants:*
(Textus) Quicumque uerberat clericum uel aliam ecclesiasticam personam (This incipit resembles the wording found at the beginning of the text in E. Vernay, *Le 'Liber de excommunicatione' du Cardinal Berengar de Frérol* (Paris 1912) 113.)
- fol. 190r-192r **Regulae poenitentiariae**, imperfectae (See Vat. lat. 3994 fol. 79r-81r for further information.) *Variants:*
<Rubrica deest.> (Finis) correptae (*sic*) *pro* correcte.
- fol. 192v-193r <**Memoriale de privilegiis poenitentiariorum minorum, saec. xiv**> (See Vat. lat. 3994 fol. 81r-v for further information.) *Variants:*
<Rubrica deest.> (Textus) die 18 mensis Iulii pontificatus sanctissimi in Christo Patris domini nostri papae Gregorii sexti anno quarto *add. post* quarto.
- fol. 193r-194r **Excommunicationes papae reservatae** (See Vat. lat. 3994 fol. 81v-82v for further information.) *Variants:*
<Rubrica deest.>
- fol. 194r-195r **Clemens V, Const. Ne Romani** (Clem. 1.2.3)
- fol. 195r-196v **Eugenius IV, Const. Ad sacram Petri sedem** (16 oct. 1435) (See Vat. lat. 3994 fol. 83v-85r for further information.) *Variants:*
<Rubrica deest.> (Textus) Dei *pro* Petri.
- fol. 197r-199v <**Jordanus de Ursinis, Ordinationes super receptione poenitentiariorum**> (See Vat. lat. 3994 fol. 85r-87r for further information.) *Variants:*
<Rubrica deest.> (Finis) commissi ad tuam pariterque aliarum animarum salutem in nomine Patris et Filii et Spiritus sancti. Amen. (The MS lacks the concluding paragraph of the edition.)
- fol. 200r-v **Eugenius IV, Const. Devotionis vestrae sinceritas** (16 oct. 1435) (See Vat. lat. 3994 fol. 87r-v for further information.) *Variants:*
<Rubrica deest.>
- fol. 201r-202r **Eugenius IV, Const. Prudens pater familias** (14 jun. 1438) (See Vat. lat.

- 3994 fol. 87v-88v for further information.) *Variants:*
<Rubrica deest.>
- fol. 202v-203v <**Forma bullae receptionis poenitentiariorum**> (See Vat. lat. 3994 fol. 89r-90r for further information.) *Variants:*
<Rubrica deest.>
- fol. 204r-v **Forma litterae quae conceditur poenitentario minori** (See Vat. lat. 3994 fol. 90r-v for further information.) *Variants:*
<Rubrica deest> (Datum) quarto *pro* tercio (Colophon) Hucusque durat liber
Vaticanae Bibliothecae.
- fol. 205r-206v **Sixtus IV, Const. Provida Romani pontificis** (1 nov. 1473) (See Vat. lat. 5424 fol. 186v-190r for further information.) *Variants:*
<Rubrica deest.>
- fol. 206v-209r **Philippus Calandrinus, Statuta collegii poenitentiariae**> (See Vat. lat. 5424 fol. 190v-196v for further information.) *Variants:*
<Rubrica deest.>
- fol. 209v **Julianus de Rovere**, <postea Julius II>, **Mandatum ad minores poenitentarios** (26 mar. 1490) (See Vat. lat. 5424 fol. 229v-230r for further information.)
- fol. 209v-210v **Nota de pecunia poenitentiariis numerata pro valore vestimentorum post mortem Sixti papae IV** (See Vat. lat. 5424 fol. 197v-198v for further information.) *Variants:*
(Textus) Anno *om.* (Epilogus) ZZ Quietantia *pro* Quitania, Brunus D. *add. post* etc.
- fol. 211r-213r **Leonardus** <**Grossus de Rovere, Statuta collegii poenitentiariorum**> (23 apr. 1518)
(Inscriptio) In nomine Domini. Amen. (Textus) Per hoc presens publicum instrumentum ... (Finis) specialem uel generalem, in casibus premissis. Datum Rome apud sanctum Petrum septimo kalendas aprilis anno sexto. (*Subscriptio*) Die XXIII aprilis xxx primo xxxCXXIII reuerendissimus dominus, dominus Leonardus ... contenta obseruari mandauit. Et ego Joannes Marenchus, clericus Astensis diocesis ... cum sigilli eiusdem impressione. (**Ed.** Göller, *Die päpstliche Pönitentiarie* II.2 pp. 39-43, citing this MS.)
- fol. 213v-214r **Leo X, Motu proprio** (13 aug. 1520)
(Inscriptio) Leo papa X. Motu proprio etc. (Textus) Cum dilecti filii penitentiarii in basilica apostolorum Petri et Pauli de Vrbe cappellani et continui commensales ... (Finis) modo concessis ceterisque contrariis quibuscumque. (*Subscriptio*) Placet et ita motu proprio mandamus. (Epilogus) Anno Domini 1520 indictione 8 die uero 13 (?) mensis Augusti ... collegii poenitentiariorum predictorum priore

dignissimo.

fol. 214r-v <**Juramentum poenitentiariorum**>

(Textus) Ego N. sanctissimi domini nostri pape penitentiarius et capellanus ab hac hora ... (Finis) sic me Deus adiuuet et hec sancta Dei euangelia. (Ed. Göller, *Die päpstliche Pönitentiarie* II.2 pp. 126-27; cf. fol. 197r-199v above.)

fol. 216r-220v <**De infirmitate et de obitu papae**> (See Vat. lat. 5424 fol. 198v-208v for further information.) *Variants:*

<Rubrica deest.> (Textus) quod *pro* est que (Continuatio colophonis) cuius mandati tenor sequitur et est prout infra. R. sancti Georgii diaconus cardinalis ... signata per notarium prefati domini cardinalis. Phy. de Pontecorvo. (Cf. Göller, *Die päpstliche Pönitentiarie* II.2 p. 137 for a very similar passage, edited from the text at fol. 220v-221r below.)

fol. 220v-221v <**Nota de pecunia poenitentiariis numerata pro valore vestimentorum post mortem Innocentii VIII**> (See Vat. lat. 5424 fol. 211r-212v for further information.)

fol. 221v-222v **Innocentius VIII, Const. *Super familiam*** (24 oct. 1486) (See Vat. lat. 5424 fol. 209r-211r for further information.)

fol. 222v <**Jacobus Caccia (?)**, **Nota de electione Alexandri VI**> (See Vat. lat. 5424 fol. 212v for further information.) *Variants:*
(Textus) Item anno *om.*

fol. 223r-229v **Alexander VI, Epistolae ad poenitentarios de anno iubilei** (See Vat. lat. 5424 fol. 212v-229v for further information.) *Variants:*
<Rubricae desunt.> (Datum) 1498 *pro* millesimo quadringentesimo nonagesimo nono, quarto *pro* octauo.

fol. 230r-234v **Julius III, Const. *Pastoralis officii*** (1 mar. 1552).

(Inscriptio) Julius papa III ad futuram rei memoriam. (Textus) Pastoralis officii cura meritis licet imparibus ... (Finis) de indulto huiusmodi mentionem. Datum Romae apud sanctum Petrum sub annulo piscatoris die prima martii 1552 pontificatus nostri anno 3°. (Colophon) Paulus Sadoletus Carpentoratensis. (Ed. *Collectionis bullarum brevium aliorumque diplomatum sacrosanctae basilicae Vaticanae*, vol. I-III (Roma 1747-52) III 6-10, not using this MS. **Bibl.** Göller, *Die päpstliche Pönitentiarie* II.2 p. 94.)

Bibl. Göller, *Die päpstliche Pönitentiarie* I.1 p. 73, mentioning this MS as part of the same general group as Vat. lat. 3994; Haskins, 'Papal penitentiary' at 428 nn. 21-23.

The MS is a composite, written in two cursive hands in dark brown ink; the hand changes at fol. 99. There is no color. Fol. 102-235 were originally foliated as 1-134; the continuous foliation is followed here. Catchwords are at the lower right, at the end of each quire of the first formulary, on each page thereafter. For the watermarks, cf. Briquet nos. 6087 and 12212 for fol. 1-98, nos. 12236 and 12250 for fol. 99-235.

The paper has been damaged by the ink to varying degrees, sometimes to the point of disintegration, much of the MS is very difficult to read. The MS has a parchment binding which utilises 17th and 19th-century components. Fol. 1r-v, 98v, <98a-f>, 101v, 110v, 215r-v. and 235r-v are blank.

Vat. lat. 6351

saec. XV.1

Prov. Rome, Collegio Capranica.

<II> + 335 fols.-85 chart. 340 (235) x 238 (167) mm, origin France. Seniones, saec. XV.1.

<I>v-<II>r <Tabula Extravagantium>

(This table was added in a later hand in brown ink.)

ZZ fol. i^r-cccxxxv^r **Egidius de Bellamera, Commentaria in Extravagantes** (See Vat. lat. 5637 fol. 5r-708v for further information.)

(**Bibl.** *Extravagantes Johannis XXII*, ed. Tarrant 3(-4) n. 3; N. Zacour, 'Papal regulation of cardinals' households in the fourteenth century', *Speculum* 50 (1975) 438 n. 13. Vat. lat. 5637 may have been copied from this MS.)

fol. xixb^{vb}-xli^{rb} <**Egidius de Bellamera, Tractatus de indulgentiis**

(Rubrica) Tractatus indulgentiarum. (Praefatio) Quoniam de materia indulgentiarum loquitur ista extrauagans, hic tractatum indulgentiarum aggredior ... (Rubrica textus) Prima pars de potestate concedentis. (Textus) Decimo quinto queritur intrando primam partem tractatus indulgentiarum unde habent papa, ceterique prelati ... (Finis) sub rubricella de remissionibus § 1 et in quinque § ibi sequentibus.

Bibl. Gilles, Gilles Bellemère' 394 n. 1; Bignami, *Bibliothèque* 134-35 n. 143; Sella, 'Nuove sigle' 9, 12.

The MS is written in a gothic bookhand in black ink. Paragraph signs and capitals are red or blue, both colors being used in the capitals on fol. 1r. Catchwords are centered. For the watermarks, cf. Briquet no. 11155. The MS has a 19th-century leather and parchment binding incorporating the 17th-century one. <II>v is blank except for the note 'Tractatus indulgentiarum est infra folio xx'. <I>r, fol. 238v, and 335v are blank.

Vat. lat. 6353

saec. XV

98 fols. memb. (chart. fol. 88-98) 400 (292) x 253 (178) mm, origin Italy. Quiniones, saec. xv.

fol. 1ra-85rb **Paulus <de Liazariis, Lectura in Clementinas>** (See Vat. lat. 1452 fol. 163ra-247vb for further information.) *Variants:*

(Rubrica) Incipit apparatus domini Pauli doctoris decretorum super constitutionibus Clementis pape. (Praefatio) suis *om.*; primo *pro* primam nostram (Textus) sub salutatione *add. post* libri (Finis) nisi hoc exprimeretur ut dixi in proximo (*sic*) rubrica. (Colophon) Explicit apparatus domini Pauli doctoris

decretorum super constitutionibus Clementis pape V^{ti}.

fol. 88r-89r <Tabula titulorum Constitutionum Clementinarum>

fol. 90r-94r <Incertus auctor, **Adnotationes** ex c. *Fidei*> (Clem. 1.1.1)

Bibl. Maffe, *La Donazione* 177 n. 19.

Fol. 1-85 are written in brown ink by two scribes, both employing cursive bookhands; fol. 1ra-42vb and fol. 43ra-85rb. The text is divided into two parts: fol. 1ra-40vb and 40vb-85rb. Picia marks are visible throughout (e.g. fol. 12va). Rubrics are red. Capitals are red or blue with Italianate decoration in the contrasting color. The individual columns are numbered in the upper margins. The modern numeration in the lower right corner is followed here. Decorated catchwords are centered through fol. 39v; they are at the lower right thereafter. There are occasional notes in a contemporary and two modern hands. The table at fol. 88r-89r and the notes at fol. 90r-94r are written in two different late 16th-century cursives in black ink. They are on small pieces of paper which have been glued to full-size sheets. The numeration is on the larger sheets. For the watermarks of the larger sheets, cf. Briquet no. 7316. Those of the smaller sheets are illegible. The MS has a 19th-century parchment binding. Fol. 86v-87v, 89v, and 94v-98v are blank.

Vat. lat. 6354

saec. XV (ca. 1430)

Scr. Ernestus de Stoltzenberg.

411 fols. chart. 439 (259) x 295 (167) mm, origin North Italy. Quinionones, saec. XV (ca. 1430).

fol. 1ra-411vb <**Pseudo-Johannes Calderinus, Repertorium**> (See Vat. lat. 2359-2360 for further Information *Variants*:

<Lemma primum deest.> (Finis) similiter ut *pro* simile. (Colophon) Deo gratias. Finito opere sit laus et gloria Christo. Stolczenberg per Ernestum notulum. Salua Deus illum.

Bibl. *Colophons*, ed. Bénédictins de Bouveret II 51 no. 3941.

The MS is in the gothic bookhand of Ernestus de Stoltzenberg in brown ink. A gap in the text is noted at fol. 144vb. Extensive corrections have been made (e.g. fol. 155ra). The MS is decorated in two styles. The arms of Martin V with the papal tiara superimposed appear at fol. 1ra in an architectural frame. The rest of the decoration of fol. 1r is in a Northern Italian style, consisting of a foliate H at fol. 1ra, acanthus borders in the inner and lower margins - both borders enhanced with gold disks - and a floral spray arabesque in the outer margin. The lower border frames an unidentified coat of arms: concentric fields of blue and black, red, blue and black, black with a blue half moon. Each section begins with an illuminated initial. Rubrics are red. Capitals are red with violet or blue with red decoration. Paragraph signs are red or blue. Catchwords are at the lower right. For the watermarks, cf. Briquet nos. 11725 und 2665. The MS has a 19th-century leather und parchment binding incorporating the 17th-century one.

Vat. lat. 6361

saec. XVI

592 fols. + 185a + <IV> chart. 271 (200) x 205 (133) mm, origin Italy (Rome?). Quaterniones, saec. XVI.

fol. 1r-5v <**Nicholas III, Formularium cancellariae**>

(Praefatio) Anno natiuitatis Christi millesimo ducentesimo lxxviii^o xii kalen. februar. ... circa easdem formas uoluit obseruari quousque aliud duxerit ordinandum. (Rubrica) Iste sunt littere que solent dari sine lectione et transeunt per audientiam. (Textus) Ea que de bonis in maiori forma ubi continetur quod non obstantibus iuramentis ... (Finis) item de hiis que continentur in prouinciali. Cetera omnia sunt legenda. (Ed. G. Barraclough, 'The chancery ordinance of Nicholas III', QF 25 (1933-34) 192-250 at 236-250, not using, this MS.)

fol. 5v-14v <**Formularium 'Optimae conclusiones'**>

(Rubrica) Optimae conclusiones super reuocatoriis et aliis multis secundum quod cancellaria utitur. (Inscriptio) Iudici. (Textus) Sua nobis petitione monstrat quod cum inter ipsum ... (Finis) et ZZ fine debitis faciens etc. testes etc. (Bibl. Herde. *Audientia* I 65 n. 403, citing this MS.)

fol. 14v-17v <**Pseudo-Marinus de Ebolo, Collectio diversarum litterarum et formarum et processuum secundum stylum Romanae curiae**, excerpta>

(Rubrica) Quando littere erant impetrate super alienatis et distractis et conueniebatur super aliis rebus. (Inscriptio) Iudici. (Textus) Sua nobis dilectus filius rector ecclesie de Sauli petitione monstrauit ... (Formula ultima) (Rubrica) Quod non permittat grauari plebanum in collectis ultra proprias facultates. (Inscriptio) Venerabili fratri ... episcopo. (Textus) Dilectus filius plebanus plebis de ... tue diocesis sua nobis questione monstrauit ... (Finis) uel obstaculum apponatur presentibus post terminum etc. (Bibl. F. Schillmann, *Die Formularsammlung des Marinus von Eboli* I (Rom 1929. No more published.) nos. 1275-1281. See also Vat. lat. 3975 fol. 2ra-348v.)

fol. 18r-32v **Doctrina super formandis exceptionibus**

(Rubrica) Doctrina super formandis exceptionibus in reuocatoriis. (Textus) Nota quod illa communis exceptio que dari solet quando subditus exceptit contra ordinarium ... (Rubrica ultima) Quando denegabatur terminus ad probandas exceptiones admissas (Textus) Iidem ex eo sentientes ... ad nostram audientiam appellarunt.

fol. 33r-72v <Tabula rubricarum>

(The table covers the contents of the MS from fol. 73 onwards.)

fol. 73r-87v **Marinus de Ebolo, Tractatus de revocatoriis**, imperfectus

(Rubrica) Incipit opus magistri Marini de Ebolo sancte Romane ecclesie uicecancellarii super reuocatoriis. Folium 1. Incipit liber primus. (Praefatio) Cum per inferiores iudices aliquid iniuste uel improuide agitur ... (Rubrica textus) Quando appellatur a diffinitua. (Textus) Et ut a leuioribus incipiatur cum a diffinitua interponitur ... (Finis) iudex assignare securum humiliter requisitus. (Ed. P. Herde, 'Marinus von Eboli' 196-229, not using this MS. The text ends on p. 228 of the edition, lacking the last paragraph.)

fol. 88r-98r **Doctrina super litteris concedendis vel non**

(Rubrica) Doctrina super litteris concedendis uel non. (Textus) Quando ponitur non obstante questione de duabus dictis ... (Finis) uel nobis exposuit cum querela.

fol. 98r-104v <**Conclusiones super revocatoriis**>

(Rubrica) Octo modi quibus concluduntur omnes licere in causis appellationum. (Textus) Sciendum est quod omnes littere que fiunt in causis appellationum octo modis concluduntur ... (Finis) talis littera dari similiter consuevit. (**Ed.** Cf. Herde, *Audientia* II 517-539, which contains a different version, without the short prologue and the *prima conclusio* found here.)

fol. 105r-114v <**Marinus de Ebolo, Tractatus**> **de confirmationibus**

(Rubrica) Doctrina super confirmationibus. (Praefatio) Sicut ea que iniuste aut minus provide facta sunt ... (Rubrica textus) De confirmatione rerum. (Textus) Cum confirmantur res plerumque confirmatio simpliciter conceditur ... (Finis) si qui fuerit de plenitudine potestatis. (**Ed.** Herde, 'Marinus von Eboli' 230-50.)

fol. 114v-592v <**Collectio litterarum et formarum secundum stilum Romanae curiae**>, aucta

(Prima littera) (Rubrica) Reuocatorie (in marg.). Quando denegatur copia litterarum apostolicarum et subdelegatorum. (Inscriptio) Iudici. (Textus). Significauerint (*sic*) nobis G. et J. de ... laici ... (Formula ultima) (Rubrica) Super eodem per alia uerba. (Inscriptio) Potestati et populo. (Textus) Qui presidium fauoris ... (Finis) a nobis exinde cum digno uobis proueniat actio gratiarum (**Ed.** Schillmann no. 2634). (According to the table above (fol. 72v), there should have been five more entries. Schillmann describes this collection as derived from the formulary attributed to Marinus of Eboli (cf. Vat. lat. 3975), but the collections are in fact substantially different.)

Bibl. F. Schillmann, *Die Formularsammlung des Marinus von Eboli* I (Bibliothek des Deutschen Historischen Instituts in Rom 16, Rom 1929. No more published.) describing this MS at 16-17.

The MS is written in a large secretarial cursive script, by a single hand, in brown ink. There is no color or decoration. On fol. 1r is the note 'ex uetusto codice manuscripto quem commodauit I.D. Cardinalis S. Eusebii 1626' (Jacopo Cavalieri, †1629). Catchwords are at the lower right of each folia. For the watermarks, cf. Briquet no. 12212. The MS has a contemporary parchment binding with traces of clasps. Fol. 177v and 185a are blank.

Vat. lat. 6363

saec. XVI

<XV> + 569 fols. chart. 267 (204) x 202 (140) mm, origin Italy. Quiniones, saec. XVI.

<II>r-<IX>v <Tabula incipitorum et contentorum, imperfecta>

fol. 1r-198v <**Theodoricus de Nyem, Liber secundus cancellariae**> (See Vat. lat. 3984

fol. 48r-108r for further information) *Variants*:

<Rubrica deest.> (Datum) pontificatus nostri *praem. ante* anno (Colophon) Finis secundi libri cancellariae de mandato reuerendissimi patris et domini domini (Rampnulphi *om. cod.*) tt. sancte Pudentianae dignissimi presbiteri cardinalis regentis officium. (This 16th-century copy of the *Liber* is identical to Vat. lat. 3984 and Barb. lat. 2825 [except for variations in the rubrics]), including part of the colophon from Barb. lat. 2825. The corrections noted at Vat. lat. 3984 to the description in Tangl, *Päpstliche Kanzleiordnungen* of Barb. lat. 2825 apply to this MS as well.)

fol 199r-568v <**Liber cancellariae apostolicae usque ad annum 1485 continuatus**>

(Rubrica) De ueneratione sanctissimae eucharistiae. (Inscriptio) Bonifacius Papa IX ad perpetuam rei memoriam. (Textus) Transitus de mundo ad Patrem Saluator mundi ... (fol. 563v) (Constitutio ultima) (Inscriptio) Innocentius episcopus seruus seruorum Dei ad perpetuam rei memoriam. (Textus) Cum ab apostolica sede, ad quam de diuersis mundi partibus ... (Finis) et reuocationibus (reuocatione *cod.*) specificarentur ceterisque contrariis quibuscumque. Nulli ergo ... Si quis autem ... Datum Romae apud sanctum Petrum (*sanctum* Petrum *om. cod.*) anno incarnationis Dominice 1485 decimo cal. septembris pontificatus nostri (pontificatus nostri *om. cod.*) anno primo. L. Grifus. (Publicatio) Lectae et publicatae fuerunt suprascriptae duae bullae Romae ... die martis tertia decima mensis supradicti eiusdem pontificatus anno secundo. Finis (*add. cod.*). (**Ed.** of the final constitution *Bullarium Romanum* V 316-19. This set of additions is highly similar to those found in Vat. lat. 6343 fol. 93v-320v through the year 1485. It is also virtually identical to the additions in Barb. lat. 2825, q.v. There are some differences in placement of texts, minor variations of rubrics and readings, and the signatures in Barb. lat. 2825 are usually missing here.)

Bibl. M. Tangl, 'Neue Forschungen über den Liber Cancellariae Apostolicae', NA 43 (1922) 553-78 at 554.

The MS, with the exception of the preceding table, was written by a single scribe in black ink in a florid 16th-century secretarial hand. Most rubrics and marginalia are by the scribe, using a smaller form of the same script. Some rubrics were added by the person who added the table at the front. The latter is in an rough, untrained hand and is keyed to the present foliation of the MS, which appears to be contemporary. There is no decoration. The ink often bleeds through to the point of obscuring the text, especially in the table. Another hand has occasionally added notes cross-referencing documents. Catchwords appear at the far right below the text on each verso. For watermarks, cf. Briquet nos. 12212, 7108, and 12250. The MS has a modern parchment binding. <I>r-v, <III>r-v, <X>r-<XV>v, and fol. 269r-v are blank.

Vat. lat. 6364-6368

saec. XVII (1612-1617)

Prov. Scipione Cobelluzzi, card. 1616-1626. **Scr.** Giacomo Grimaldi.

I: 1a-1x, xa-xm + 283 fols.; II: <XXXII> + 266 fols.; III: <XXXII> + 282 fols.; IV: <XXXV> + 313 fols.; V: a-z + aa-ee + 448 fols.; + 362a-e + 367a-e chart. 337 (240) x 230 (141) mm, origin Italy (Rome). Quaterniones, saec. XVII (1612-1617).

ZZ _], <Pseudo->Marinus de Ebolo, <Collectio diversarum litterarum et formarum et processuum secundum stilum Romanae curiae> (See Vat. lat. 3975 fol. 2ra-348v for further information.) *Variants:*

ZZ (Rubrica) De summa Trinitate et fide catholica incipit liber primus.

(Colophon) (Vat. lat. 6368 fol. 448r) Finito libro referantur gratiae Christo. Amen. Amen. Amen. Explicit totus liber (here follows the Registrum Chartarum). Anno Domini MDCXVII die XVI iunii in pontificia Vaticana Bibliotheca septimus iste et ultimus liber absoluitur in transcribendo a manuscripto exemplari no. 3976. Qui manuscriptus liber est in totum foliorum 380 sub dicto numero 3976. Feria VI hebdomadae sanctissimi iubilaei indicti feria iiii proxima praeterita, et hac ipsa die a sanctissimo D.N. Paulo V. Pont. Max. cum supplicatione solemni Sanctitatis Suae totius cleri et curiae de more ad basilicam S. Petri die mercurii, et ad ecclesiam Sanctae Mariae Maioris die Veneris, ut sileant arma inter christianos principes a diabolo concitata quod faxit Deus.

Bibl. F. Schillmann, *Die Formularsammlung des Marinus v. Eboli* I (Rom 1929; anast. repr. 1971. No more published.) 15, describing these MSS, which he does not use for the calendar; P. Herde, 'Marinus von Eboli' 123-24, citing Vat. lat. 6364; on Giacomo Grimaldi, E. Müntz, 'Recherches sur l'oeuvre archéologique de Jacques Grimaldi', BEFAR 1 (1877) 225-69; on Cardinal Cobelluzzi, cf. F. Petrucci, 'Cobelluzzi, Scipione', DBI 26.433-35.

These MSS, which make up Giacomo Grimaldi's five volume transcription of the Pseudo-Marinus formulary, are now bound in 11 parts: Vat. lat. 6364-6367 each in two parts, and 6368 in three parts. At first Grimaldi copied the text from Arch. S. Pietro C.117; when he reached the end of that MS, he turned to Vat. lat. 3976 (see Schillmann 10-14). At the end of each volume Grimaldi carefully noted the dates and circumstances of his work, annotation's partially printed by Schillmann, 15ff.

The five volumes agree in general layout, script, ink, decoration, and binding. All are written in black ink, in the neat secretarial cursive hand of Giacomo Grimaldi. The ink has often penetrated the paper to the point of illegibility. Rubrics, initials, and paragraph signs are red. There are numerous marginal notes, often identifying the original source of a text. Catchwords are at the lower right of the recto and verso of each folio; quires are marked A, B, ... AA, BB, etc. in the lower right corner of the first recto of each. The first folio with writing in each MS carries the shelfmark. A table of rubrics precedes the text of the formulary for each volume. For the watermarks, cf. Briquet no. 7113, but watermarks are difficult to read because of the yellow tissue applied to strengthen the folios. The MSS are bound in 19th-century parchment.

Vat. lat. 6364, containing the first part of book I of the formulary, is divided into two parts, I: 1, 1a-x, xa-xm, 2-120; II: 121-283. The text of the formulary is prefaced by Grimaldi's note on the manuscript exemplars (fol. 11^{r-v}) and a biographical sketch of Marinus de Ebolo (fol. 1g^r-1k^v); cf. Schillmann 15 and 18. Fol. 1e^r is a title page: 'Formularium litterarum apostolicarum Marini de Ebolo. Lib. 1 De summa Trinitate et fide catholica.' On fol. 2r a large opening initial an a square ground was drawn but never completed. Fol. 1v, 1a^r-1d^v, 1e^v; x1^r-xm^v, and 283v are blank.

Vat. lat. 6365, containing the rest of book I, is divided into two parts, I: I-XXXII, 1-120; II: 121-266. The opening initial on fol. 1r, drawn in outline on a square ground, is unfinished. Some initials are lightly decorated. J. Leclercq, 'Textes et manuscrits cisterciens à la bibliothèque Vaticane', *Analecta ordinis cisterciensis* 15 (1959) 79-103 cites this MS fol. 263r-265v, at 95 for a Cistercian *ordinatio negotii*. <XXX>v-<XXXII>v are blank.

Vat. lat. 6366, containing books II-IV of the formulary, is divided into two parts, I: I-XXXII, 1-128; II: 129-282. On <XXVI>r-<XXIX>v is a second copy of Grimaldi's biographical sketch of Marinus de Ebolo. The opening initial on fol. 1r is rendered in pen and ink. Tables concerning various administrative matters, in a different hand, appear on fol. 270v-274r, 275r-280r, and 281r. On fol. 274v is a copy of a letter of Paul V to Cardinal Seria (20 mai 1614). <XXX>r-<XXXII>v, fol. 270r, 280v, and 281v-282v are blank.

Vat. lat. 6367, containing book V of the formulary, is divided into two parts, I: I-XXXV, 1-136; II: 137-313. The opening initial on fol. 1r is decorated with penwork. On fol. 306v-313r (the chancery ordinance of Nicholas III), initials and paragraph signs alternate red and blue. <I>r is a title page: 'Collectio diuersarum litterarum et formarum ac processuum secundum stylum Romanae curiae magistri Marini de Ebolo canonici Saresberiensis Innocentii papae quarti uicecancellarii liber quintus ex pontificia Vaticana Bibliotheca depromptus anno Domini MDCXVI'. <I>v-<III>v, <XXXV>v, and fol. 313v are blank.

Vat. lat. 6368 is divided into three parts. I: a-z, aa-ee, 1-128; II: 129-288; III: 289-448. A large opening initial on fol. 1r includes the arms of Paul V and Cardinal Cobelluzzi; another on fol. 368r is decorated with a dove symbolic of the Holy Spirit. In the third part (fol. 289-448) initials are decorated with elaborate but somewhat clumsy penwork. Fol. a^r is a title page for book VI, mentioning Vat. lat. 3976. Fol. t^r includes notes on the life and tomb of Nicholas III by Grimaldi, dated 15 July 1615. A long note on Clement IV appears on fol. z-aa^r, and there is a series of various notes on fol. dd^v-ee^r. Extensive marginal notes were added to the tables, as were repeated sketches of a coat of arms (not Cobelluzzi's). On fol. 362r-v is a note by Grimaldi about Cobelluzzi's appointment to the College of Cardinals (*ed.* Schillmann 15-16). Fol. 363r is a title page for book VII. The last few folios are badly faded. book VII was originally foliated separately, but the continuous foliation is followed here. For the watermarks of this volume, cf. Briquet no. 4832. Fol. a^v-d^v, fol. 362a^r-b^v; 363v, 367r-367e^v, and 448v are blank.

Vat. lat. 6381

saec. XII; XVI

antea 466. **Prov.** Antonio Agustín, bp. of Lerida (1561-76), archbp. of Tarragona (1577-86), Luis Gomez, bp. of Sarno (1534-43). **Scr.** Antonio Agustín (fol. 328r-336r). <I> +337 fols. memb. (chart.: fol. 1, 257-337) 272 (198) x 183 (130) mm, origin Italy. Quaterniones, saec. XII (fol. 1-256); XVI (fol. 257-337).

fol. 1r <**Versus**>

(Textus) Has clauas terre, uos gentes discere ferre ... (Finis) cui post has metas, bona celica conferet etas. (These three lines were written by a contemporary hand in the upper margin.)

fol. 1r-4r <**Ordo Romanorum pontificum**> (See Vat. lat. 1364 fol. 1ra-3vb for further information.) *Variants:*

(Finis) Urbanus ii (*super lin.*) annos xi. menses iv. Paschalis ii (*super lin.*) annos. (**Ed.** ZZ Schelstrate, *Antiquitas ecclesiae* 644-50, from this MS. **Bibl.** *Liber pontificalis*, ed. Duchesne I ccv, short notice only.)

fol. 4r-256v <**Anselmus Lucensis, Collectio canonum**>, recensio B, imperfecta (See Vat. lat. 1364 fol. 4r-266r for further information.) *Variants:*

(fol. 4r-6r) <Tabula libri primi capitulorum> (Rubrica) De dignitate Romanae ecclesiae *add. al. man. pro* de primatu et excellentia Romanae ecclesiae (Finis) non cogeret aecclesia perditos filios ut redirent. (**Ed.** *Anselmi episcopi Lucensis collectio canonum una cum collectione minore*, ed. F. Thaner, fasc. 1 (Oeniponte

1915; anast. repr. Aalen 1965), using this MS (siglum V₃). This MS ends at Book 12.17 (= A 13.16). being missing several folios at the end. **Bibl.** P. Landau, 'Erweiterte Fassungen der Kanonessammlung des Anselm von Lucca aus dem 12. Jahrhundert', in *Sant' Anselmo, Mantova e la lotta per le investiture*, ed. P. Golinelli (Bologna 1987) 323-37 (trans. into Italian as 'Intorno alle redazioni più ampie del XII secolo della raccolta dei canoni di Anselmo da Lucca' at 339-48), esp. 332-33; *Pelagii I epistulae*, edd. Gassó et Batlle, using this MS (siglum O₃) for the Pelagian letters at fol. 231-35, with a short description of the MS at l-li; P. Fournier, 'Observations sur diverses recensions de la collection canonique d'Anselme de Lucques', *Annales de l'Université de Grenoble* 13 (1901) 427-58 at 438-42, repr. in Fournier, *Mélanges* II 635-66 at 646-50, identifying this as a copy of recension B, in which book XI of Collection A is missing (here, Antonio Agustín has noted the missing book by changing the titles of books 11 and 12 to 12 and 13); Ballerini, *De antiq. coll.*, PL 56.326-27, misciting this MS as 6361; Fournier-LeBras, *Histoire* II 26 and 195; A.M. Stickler, 'Il potere coattivo materiale della Chiesa nella riforma gregoriana secondo Anselmo di Lucca', *Studi Gregoriani* 2 (1947), citing this MS as V₃ at 243 et passim.)

fol. 257r-v <**Gratianus, Decretum**>, quattuor canones

(Rubrica) Gregorius VII in synodo Romana anno 1078 ... Caput I. (Textus) Quicumque militum uel cuiuscumque ordinis ... (Canon ultimus) (Rubrica) Cap. 12. (Textus) Si quis episcopus fornicationem ... (Finis) auctoritate officii sui non impugnauerit, ab officio suspendatur. (**Ed.** Friedberg. The canons are C.12 q.2 c.4, C.1 q.3 c.3, C.16 q.7 c.1, and D.83 c.1. They are from the aut. 1078 council of Gregory VII (cf. MGH Epp. Sel., ed. E. Caspar, pp. 402-05) and have been arranged and numbered according to the council, with marginal and interlinear notations on how the Gratian recension differs from that of the Gregorian register. **Bibl.** Kuttner, 'Some Roman Manuscripts' 18, suggests that this folio was a loose sheet folded in which was bound in at the rebinding. It was originally not numbered, receiving '257^a' when the MS was refooliated. Kuttner speaks of it as containing 'material pertaining to the work of the *Correctores*.').

fol. 238r-326v <**Anselmus Lucensis, Collectio canonum**, recensio A, excerpta>

(Rubrica) Augustinus de eadem re. XV. (Textus) Quod autem dixerunt, qui contra suos impietates leges iustas institui nolunt ... (Rubrica ultima) Vt preces et prefaciones que in concilio probate non fuerint non celebrentur. (Textus) Placuit etiam hoc ut preces que probate fuerint ... (Finis) quecumque cum prudentioribus fuerint collate dicantur. (**Bibl.** Kuttner, 'Some Roman Manuscripts' 19-20, for a summary description of this collection of excerpts and their sources, showing that these excerpts were copied from Venice, S. Marco MS lat. IV.55 to supplement the incomplete 12th-century collection preceding them. They start by repeating the last two canons of the older collection (fol. 256r-v) and continue with the rest of book A13 = B12 (cf. Vat. lat. 1363 fol. 235r et seq.). The last canon, which also appears in Burchard's Decretum (3.67) and Ivo's *Decretum* (3.69) is marked for inclusion after what must be the last canon common both to this manuscript and the Venetian one.)

fol. 328r-336, <Index collectionis Anselmi Lucensis>

(This is Antonio Agustín's autograph index to the Collection of Anselm of Lucca. It is arranged alphabetically by pope, incipits, and councils.)

Bibl. Kuttner, 'Some Roman Manuscripts' 14-20.

This is a composite MS. Fol. 1r-256v form a 12th-century parchment MS written in a late Carolingian minuscule in a brown ink which changes to black at fol. 77v. Each of the twelve books opens with a large decorated initial in a Romanesque design, usually a combination of interlace and white vine elements, often with a man or animal worked in. The initial on fol. 6r is an 'I' formed as a bishop. Each decorated initial is followed by a line of display script. Capitals are red, or ink decorated with red. Rubrics are red. Prickings are visible in the outer margins. Fol. 255-256 have been damaged and repaired; fol. 256v is difficult to read. This 12th-century MS was purchased by Antonio Agustín from the estate of Luis Gomez. Agustín collated it with another copy of the collection hold by Niccolò Ormaneto (†1577), now Venice S. Marco Ms lat. IV.55; he then had the missing chapters copied out and bound in as fol. 258r-326v. The 16th-century additions are on paper and written in a secretarial cursive without decoration. Many of the notations throughout the volume are by Agustín; they often refer to Gratian's *Decretum*. Pasted into <I>v is a biographical note on Anselm of Lucca taken from Sigisbertus; it was written by Agustín. Above it is the library note 'In pluteo IX', which has been crossed out. At the top of fol. 1r is the ex libris 'Ludouici Gomez episcopi Sarnensis auditoris rote' and the former shelfmark '466'. At the bottom of the folio is the erroneous note 'Brocardus Vormacen. eps'. which has been cancelled. Above it, readable by ultra-violet, is the ex libris 'Antonii Augustini epi Illerden<sis>' cf. Kuttner, p.19. The MS has two numbering systems, an older one by Agustín at the upper right and a modern stamped one at lower right. The latter is followed here. Some folios are stained. For the watermarks in the paper sections, cf. Briquet nos. 5377 and 5919. The MS was rebound in parchment by the Vatican during the 19th-century. <I>r, fol. 269r-v, 292v, 327r-v, and 336v are blank.

Vat. lat. 6457

saec. XVIex.

II + 56 fols. + 39a chart. 207 (166) x 133 (70) mm, origin Italy (Rome). Bifolia, saec. XVIex.

fol. 1r-v <Incertus auctor, **Informatio de Laborante et operibus eiusdem**>

(Textus) Laborans creatus diaconus cardinalis ab Alexandro III^o anno < ... > et ab eodem postmodum presbyter ... (Finis) ministeri canonum rustici quinque putantur, et contemptibiles, et ignari.

fol. 2r-3v, 4r-6r <**Laborans, Compilatio decretorum**, excerpta>

(Excerpts include material from Book 4 part 8 (fol. 2r-3v) and Book 6, parts 1, 2, 3, and 5 (fol. 4r-6r).)

fol. 3v, 5r, 6v-7v <Incertus auctor, **Lectiones variae ad compilationem Laborantis**>

(The author has collated 1.10.1 with the corresponding passage of Ivo of Chartres' *Panormia*, 1.8.12, 2.1.47, and 4.8.8.7 with Gratian's *Decretum* and with an unidentified copy of a letter of Charlemagne (MGH Epp. 4, ed. E. Dümmler et al., pp. 228-30).)

fol. 8r-56r **Laborans**, <**Tractatus de iustitia et iusto**>

(Inscriptio) Laborantis ad Maionem magnum Siciliae admirandum. (Praefatio) Memini (Omini cod.) uir illustris sapientiae luce uirtutumque nitore prefulgens ... (fol. 8v) <Tabula titularum> ... (fol. 10r) (Rubrica textus) De iustitia et iusto. (Textus) Diuina substantia bonitas est, quae quidem in idiomate greci sermonis ... (Finis) nulla uel possibili uicissitudinis obumbratione mutari. (Ed. A.M. Landgraf, *Laborantis cardinalis opuscula* (Florilegium patristicum 32; Bonn 1932) 6-42.)

The MS is written in 16th-century professional script by a single hand, in faded black ink, without decoration or color. The foliation, in the upper right corner of the recto, is contemporary. Scattered marginal notes identify sources or corresponding passages in Gratian's *Decretum* or Ivo's *Panormia* (?). On fol. 3r the scribe notes, against a passage labelled as from *actione quarta santa sinodus*, 'Immo octaua sed sic legit Laborans'. (Gratian's reading, however, matches that of Laborans.) The contents of the MS and their treatment suggest that it was produced in conjunction with the work of the *correctores romani*. It is blank except for the shelfmark '6457'. It has the pencilled note 'Originale Laborantis, unde haec compilata, extat in archiuo Basilicae S. Petri in Vaticano'. The quires are formed of bifolia gathered in eights. The single watermark is similar to Briquet no. 3395, but has a coat of arms below it. The MS has a 19th-century leather and cloth binding. It has and fol. 56v are blank except for library stamps. It has and fol. 39a^{r-v} are blank.

Vat. lat. 6484-6521 only 6484 is checked

saec. XVIex.

Prov. Antonio Agustín jr. S.J.; Franciscus Aduarte; Antonio Agustín, archbp. of Tarragona. **Scr.** Antonio Agustín, archbp. of Tarragona (1577-1586); Franciscus Aduarte; Antonio Agustín jr. S.J.
34 vols. chart. 205 (185) x 140 (105) mm, origin Spain and Italy, saec. XVIex.

Vat. lat. 6484

fol. 1b^r-1c^r **Antonius Augustinus iunior S.J., <Epistola dedicatoria ad Epitomem iuris pontificii veteris Antonii Augustini>**
(Rubrica) (Inscriptio) Illustrissimo ac reuerendissimo D.D. Alexandro Peretto cardinali a Monte Alto sanctae romanae ecclesiae vicecancellario dignissimo etc. Antonius Augustinus e societate Iesu fr. (Textus) Serius quidem, quam ut tuorum praestantiae meritorum fieret ... (Finis) compensari a bonorum omnium largitore Deo enixe postulabunt. Vale. (Ed. A. Agustín, *Iuris pontificii ueteris Epitome in tres partes diuisa ... secunda, et tertia nunc ... prodeunt. Opera Antonii Augustini fratris filii Societatis Iesu sacerdotis* ... (Roma 1611) p. [I]ff. Cardinal Peretti's imprimatur was added below the letter.)

fol. 2r-23r **Antonius Augustinus iunior S.J., <ZZ Praefatio epitomes iuris pontificii veteris Antonii Augustini>**

(Rubrica) De auctoris consilio deque operis utilitate (Antonius Augustinus e societate Iesu *add. al. man.*). (Textus) Qui canones antiquorum epistulasque summorum pontificum ... (Finis) ex ultimo testamento legatum accipito (Ed. Agustín, *Opera* V 3-10, ending at note a, from this MS. Also found in the Rome 1611 edition. The text on fol. 9v has been struck through and seems to be a false start for the text which begins on fol. 10r. The material on fol. 16v-23r has been rearranged in the edition.)

fol. 24r-64v <**Antonius Augustinus, De quibusdam veteribus canonum ecclesiasticorum collectoribus iudicium et censura**>

(Rubrica) Clemens Papa, Cyprianus, et Dionysius. (Textus) Matthaeus monachus initio Nomocanonis de conciliis et sacris scriptoribus, qui canones ediderunt ... (Finis) tempora deducere /// facere /// (**Ed.** Agustín, *Opera* III 219-43. **Bibl.** Bernal, 'Antonio Agustín' 525. Much of the text has been destroyed by the ink eating away the paper. Fols. 60-64 are virtually illegible.)

fol. 65r-151r <**Franciscus Aduarte, Additiones in primum tomum Epitomes Antonii Augustini**>

(This series of notes does not appear in the edition and may be Aduarte's own notes to his printed copy of Vol. I, cf. Bernal, 'Antonio Agustín' 525-26 and Leonardi, 'Per la storia' 633.)

fol. 152r-205r, Vat. lat. 6485-Vat. lat. 6521 <**Antonius Augustinus, Iuris pontificii veteris epitome, partes II et III**>

(Here begins the collection of drafts and notes from which the second and third parts of the epitome were constructed. Some folios are fully written pages; many are pages on which many small scraps have been glued, sometimes even at right angles to other notes, cf. Vat. lat. 6484 fol. 154r and 157r. Many folios are blank. These are the basis for **Ed.** ZZ A. Agustín, *Iuris pontificii ueteris Epitome in tres partes diuisa ... secunda, et tertia nunc prodeunt. Opera Antonii Augustini fratris filii Societatis Iesu sacerdotis ...* (Roma 1611); repr. in Agustín, *Opera* VI.)

Bibl. Leonardi, 'Per la storia', with plates of Vat. lat. 6485 fol. 1r (Tav. IV), Vat. lat. 6524 fol. 39v, 144r, and 161r (Tav. V-VII), Vat. lat. 6521 fol. 37r (Tav. Xa), and Vat. lat. 6584 fol. 2r (Tav. Xb), showing the autographs of Antonio Agustín, Francesco Aduarte, and Antonio Agustín jr. S.J.; A. Bernal Palacios, Antonio Agustín (1517-1586) y su 'Recollecta in iure canonico', *Revista Española de Derecho Canonico* 45 (1988) 487-534 at 503 n. 21 and 524-26.

This collection of 38 volumes was written by Antonio Agustín senior and junior and Francesco Aduarte; cf. Leonardi for a study of the hands. They are in late 16th-century personal cursives in dark ink which have often eaten away the page, rendering the text illegible. The size of the volume given above is the original size of volume one; however, the original quires have been taken apart, and the individual leaves are now glued on modern paper of a larger size. It also does not reflect that many of the leaves are simply backings for long series of notes being rearranged to achieve the final order of the work. In Vat. lat. 6484, fol. 1r has a title by a later hand: 'Antonii Augustini archiep. Tarraconen. Epitome Juris Pontificii Veteris XXXIX uoluminibus cuius epitomis praefationes et praeludia habentur in praesenti Vol. I.' A second title in another hand appears on fol. 1a^r: 'Praefationes et praeludia ad epitomem Juris Pontificii et de collectoribus canonum D. Ant. Augustini arch. Tarrac. Vol. I.' In Vat. lat. 6484, fol. 1v, 1a^v, 1c^v, and 151v are blank. The volumes have mid-19th century parchment bindings.

Vat. lat. 6523

saec. XVI

IV fol. + IV fol. (V-VIII) + 344 fol. + <III> chart. 230 (180) x 161 (105) mm, origin Italy

(Rome). Quiniones, saec. XVI.

fol. 1-344 **Antonius Augustinus, De legibus et senatusconsultis**, imperfectus (See Vat. lat. 6231 fol. 1r-158r for further information.) *Variants:*
(fol. 7) (Rubrica textus) Acilia lex. (Textus) Haec lex de pecuniis reperundis lata est (*ed.* 25a).

Ed. Agustín, *Opera* VII 188-89 (Epistola dedicatoria); 1 7-138. **Bibl.** G. Mayáns y Sísar, 'Antonii Augustini Vitae historia' in Agustín, *Opera* II xi-cxii at lxxxix; Kristeller, *Iter* II 340; Bignami, *Bibliothèque* 141, 152 n. 62.

This codex starts with several printed pages of the Rome 1583 edition: fol. Ir-IVv = p. 1-8 of the ed.; pag. V = p. 97; pag. VI-VIII = p. 100-101, 104. It seems that they were later bound to the rest of the codex, which is written in a very clear and precise 16th-century hand in a brown ink. The first five pages contain a copy of the *Epistola dedicatoria* of Agustín to his brother Jerónimo which is identical to the edition cited. The *De legibus* starts on p. 7, but in an order different from that of the editions. The first part, dedicated to the nature of laws, is missing in the codex. The section on particular laws is quite different from the edited one, not only in the distribution but also in the redaction of the contents. The 'praetermissae' added by Fulvio Orsini to the first edition (Roma 1583) are missing here. The section about the 'Leges XII tabularum' (ed. 96-127) is included in the codex among *de legibus* (p. 47-147) between 'Duilia' and 'Ebutia'. The part called 'De senatusconsultis' on pp. 313-44 is practically identical to the edited text. It seems that this codex contains a copy of one of the first redactions of the work. At the bottom of p. 344 there are, in different hands, the following notes: 'Imprimatur si uidebitur R. P. Magistro Sacri Palatii P. Viceg.', 'Vidi ego Ant. Buccapadulius ex commissione R.P. D. Magistri Sacri Palatii et nihil inueni quod esset contra fidem aut contra bonos mores (///)'. The last line has been cut away during binding. There are catchwords on the lower right side of the folios. The leaves of each quire have an internal numbering system: Ai-vii ... Pi-iiii. The watermark is a fleur-de-lis on top of two mountains, the whole within a circle, not like any listing in Briquet or Piccard. The MS has a 19th-century cardboard binding with a leather spine. Pages 6, 311-312, and <Ir-<+III>v are blank.

Vat. lat. 6735

saec. XV

Prov. Quatarius Sulmonensis (?).

I + 212 fol. memb. 275 (195) x 198 (133) mm, origin Italy. Quaterniones, saec. XV.

Iv <**Versus**>

(Textus) Eloquio sapiens discreto dirige linguam ... (Finis) Non det sermones ubi non prodesse uidebit. (**Bibl.** F. Brunhözl, "Florilegium Treverense", *Mittelateinisches Jahrbuch* 3 (1966) 129-217 at 165; lines 1039-1040 are the same as the first two lines here; line 1041 is a variation of the last line here.)

fol. 1v-2r <Incertus auctor>, **Epistola de mirabilibus montis Vesuvii**

(Rubrica) Epistola de mirabilibus montis Vesuuii per quam mandatur laxari tributaria functio secundum quantitatem dampni facti per eiusdem montis incendium. (Textus) Campani Vesuuii montis hostilitate uastari ... (Finis) qui et remedia levis conferat et locum subreptionibus non relinquit. Datum etc. (There is no recorded eruption of Vesuvius between 1139 and 1500.)

fol. 2r <**Duae litterae formatae cancellariae apostolicae**>

(**Bibl.** F. Kaltenbrunner, 'Römische Studien III', MIÖG 7 (1886) 93 and n. 3.)
Gaude innocentia et exulta etiam si tibi iustus iudex defuerit - it is no fromular! -
pro quo etiam fret tibi rex regum propitius ZZ retribatur grata fauente Domino
uicissitudine respondere.

fol. 2v-3r <**Innocentius VI, Epistola ad**> **Johannem V Paleologum**

(Inscriptio) Magnifico principi Iohanni Paleologo imperatori Grecorum illustri,
gratiam in presenti que perducatur ad gloriam in futuro. (**Textus**) Venerabiles frater
noster Paulus archiepiscopus Biturnensis (**Smirnensis cod.**) et nobilis uir Nicolaus
... (Finis) speramus et credimus acquiescas. Datum Auinioni (**Ed.** Innocent VI,
Lettres secrètes et curiales, edd. P. Gasnault et N. Gotteri, IV (Rome 1976) 141-
43 n. 2278, the MS lacking the long datum.)

fol. 3v <**Innocentius VI, Epistola ad**> **Karolum IV imperatorem**

(Inscriptio) Carissimo in Christo filio Karolo Romanorum imperatori semper
augusto salutem. (**Textus**) Repleuit amaritudine tabernaculum ... (Finis) grata
fauente domino uicissitudine respondere. Datum.

fol. 4r-6v <Incertus auctor, **Vita cuiusdam Albani perperam dicti rex Hungariae**>

(Textus) Erat olim in partibus Aquilonis quidam potens et nobilis ... (Finis) ZZ
exemplum Albani serui tui, mereamur et nos cum eo anostis facinoribus ablui, et
super niuem dealbari. Amen. (**Bibl.** *Acta sanctorum Iunii V*, 2nd ed. (Parsii et
Romae 1867) 82-83. *Bibliotheca sanctorum I* (Roma 1961) 661.)

fol. 7r **Innocentius** <**VI, Epistola ad**> **Karolum IV imperatorem**

(Inscriptio) Innocentius etc. Carissimo in Christo filio Karolo imperatori
Romanorum semper augusto salutem etc. (**Textus**) Tanta filii carissime
amaritudine nos repleuit ... (Finis) dirigi et auxilio poteris adiuuari. Datum. (**Ed.**
Innocent VI, *Lettres secrètes et curiales*, edd. P. Gasnault et N. Gotteri, IV (Rome
1976) 201-02 no. 2407, this MS lacking the closing phrases and datum.)

fol. 8ra-212v <**Berardus de Neapoli, Epistolae notabiles seu Dictamina**>

<Tabula epistolarum> ... (fol. 10r) (Epistola prima) (Inscriptio) Venerabilibus
fratribus archiepiscopis episcopis et dilectis filiis abbatibus et aliis ecclesiarum
prelatis et cet. (**Textus**) Exultet angelica turba celorum, exultent diuina misteria ...
(fol. 212r) (Epistola ultima) (Inscriptio) Eidem. (**Textus**) Pertulit ad nos multorum
fide digna relatio ... (Finis) pro parte nostra retulerit, credas (**errdas cod.**) indubie
illaque ad effectum sperate consumationis adducas. Datum. (fol. 212v)
(Inscriptio) Venerabilibus fratribus uniuersis patriarchis et archiepiscopis ac
episcopis per Italiam et Ungariam constitutis ecclesie etc. (**Ed.** The first letter is
Po. 18232: *Bullarium Romanum* I.149. **Bibl.** F. Kaltenbrunner, *Actenstücke zur
Geschichte des deutschen Reiches* (Mitteilungen aus dem Vaticanischen Archive
I; Wien 1889), editing many of the individual documents using this MS (siglum
NV); idem, 'Römische Studien III', MIÖG 7 (1886) 21-118 and 555-635, classing
this MS (siglum NV) at p. 22 as of the third redaction of Berardus's work, called

the *Epistolae notabiles* following Delisle. He divides the collection into four parts, each having its own structure and division, cf. pp. 86-94. Part I has reference glosses, parts I and III have rubrics in the margins. The table of contents contains only the first 172 of the 366 letters. Of the last letter, only the inscription is present, at the very top of the folio verso with the remainder of the side blank.)

Bibl. F. Kaltenbrunner, 'Römische Studien III', *MIÖG* 7 (1886) 21-118 and 555-635, with an exhaustive analysis of the MS at 85-94.

The MS is written in multiple 15th-century chancery cursive hands; cf. Kaltenbrunner. Fol. 10r opens with a large red and blue initial with penwork decoration. For the beginning of other letters, there is sometimes a large red capital, sometimes an enlarged capital by the scribe, sometimes a blank reserved. The variation usually follows quire structure. Through letter 200 the number of the letter is in the margin: by the scribe through 172, added by a later hand thereafter. At the top of fol. 8r, in an early modern hand, is the note: 'Pleraque pars epistolarum que in hoc codice continentur, extant etiam in Formulario Berardi de Neapoli in cod. 3977', q.v. At the top of fol. 10r is the 15th-century ex libris 'Iste liber continet ducentas cartas et est Quatrarii Sulmonensis.' The position of the catchwords and the existence of quire numbers change with the change of scribes. The MS was prepared with dry point; prickings are often visible in the outer margin. It is blank except for the shelfmark; 1r is blank except for the library stamp and the note at the top: 'xxvii nouembris que fuit sabato.' The MS has a 18th-century leather binding (on the cardboard). Fol. 7v and 199v are blank.

Vat. lat. 6746

saec. XIV

<I> + 66 + <I> memb. 311 (188) x 217 (135) mm. Quaterniones, saec. XIV.

<I>v <Incertus auctor, **Epistola petens munas in curia**>

(Inscriptio) Reuerendissime pater et domine, domine mi singularissime. (Textus) Cum non ignorem quod sit clemens ... (Finis) dominus noster Ihesus Christus in summa felicitate conseruet. (This appears to be a draft, written around the painted figures on the folio.)

fol. 1ra-58rb **Rolandinus Passagerii, Summa artis notariae** (See Vat. lat. 2326 fol. 1ra-92rb for further information.) *Variants:*

(Rubrica) Incipit Summa domini Rolandini de Passageriis de Bononia super arte notaria (*marg. al. man.*).

fol. 58rb-66vb **Rolandinus Passagerii, Tractatus notularum** (See Vat. lat. 2326 fol. 92rb-107vb for further information.) *Variants:*

(Rubrica) Quid sit notaria et unde dicatur. (Colophon) Explicit tractatus notularum Deo gratias. Amen. Amen (*add. al. man.*).

Bibl. This MS is not listed by Wahrmund, *Quellen zur Geschichte des römisch-kanonischen Processes im Mittelalter* III.2 lvi.

The MS is written in a neat gothic bookhand, possibly by several scribes, in gray-brown ink, and corrected in contemporary hands. The *Summa* opens with a large decorated letter 'A' in red and blue with penwork filigree filling. Capitals are red or blue, usually with penwork decoration in the contrasting color (they are

plain after fol. 42r). Rubrics are red and in a different hand; paragraph signs alternate red and blue. There are no catchwords; fol. 1-45 have running heads. The beginning of the *Tractatus* is set off from the preceding text only by its rubric and a large initial. In both the *Summa* and the *Tractatus* are several generations of notes and additions, including many instruments. One hand refers several times to Petrus de Boateriis (cf. fol. 5r, 55v, 62v). On <I>v and <+I>r are two paintings of a pair of lovers. On <I>v the picture was painted over same legal notes; the draft letter on the folio was written around the figures. A fragment of another draft runs lengthwise down the right side of the folio, while another fragment of text (upside down) occupies the bottom of the folio. On <+I>, some dialogue in Italian has been added to the picture, and the man labelled 'Giovanni'. The rest of the folio contains sketches of designs resembling notarial signs, various notes, epigrams, and verses in Latin and Italian, including several on marriage. Several folios have been repaired. The leather binding dates from the last quarter of the 18th century. <I>r and <+I>v are blank.

Vat. lat. 6769

saec. XIII

<I> +138 fols. memb. 364 (313) x 241 (176) mm. Seniones, saec. XIII.

fol. 1ra-138rb (*rect.* 3ra-10vb, 2ra-vb, 12ra-91rb, 1ra-vb, 104ra-138rb) **Vincentius**

<**Hispanus**>, **Apparatus in Decretales**, fragmenta

(Rubrica praefationis) Incipit apparatus Vincentii super decretalibus. (Praefatio)

<C>reavit Deus hominem in virili etate ... (Finis praefationis) veniam postulo a
lectore. Vincen. (Textus) *Gregorius*: Nomen imperatoris in principio instrumenti
poni debet ... (Finis) et est speciale in iudicio ut non petatur.

Bibl. J. Ochoa Sanz, *Vincentius Hispanus, Canonista boloñes del siglo XIII* (Cuadernos del Instituto Juridico Español 13; Roma-Madrid 1960) 136-47, with an edition of the preface from Barb. lat. 1626, a copy of this manuscript, on 139. A.D. de Sousa Costa, 'Mestre Silvestre e Mestre Vicente', quotes this manuscript passim; see also S. Kuttner, 'Notes on Manuscripts', BMCL in *Traditio* 17 (1961) 533-42 at 539-41.

There are other defects besides the misarrangement of folios. X 1.33.16 is placed between X 1.3.29 and 30; hence the second fragment (fol. 2ra-vb) begins, and the third fragment (fol. 3ra-10vb) ends, in the middle of X 1.33.16. The fourth fragment (fol. 11ra-rb) repeats the preface and the first glosses on the bull *Rex pacificus* (through v. *nimiam similitudinem* = fol. 3rb, line 20), follows these with another partial repetition of the preface ('Set quia ...'), and ends with a short note on contracts. Only a small part of Book three (X 3.1.1-2.5 in med.) is present in the first fragment (fol. 1ra-vb). Finally, X 2.20.35-23.11 are repeated because the fifth fragment (fol. 12ra-84vb) ends at X 2.23.11 and the sixth fragment (fol. 85ra-91rb) begins at X 2.10.35. See also Barb. lat. 1626, a copy of this manuscript.

The text is written in brown ink, in several gothic hands (possible changes are on fol. 12r, 85ra, and 92ra). Space was left for painted initials at the beginnings of both copies of the preface, of book four (fol. 104ra), which begins on a new folio, and of book V (fol. 116ra), which begins in mid-column. Capitals and paragraph signs are red, the former with Italianate decorations in violet until fol. 27r. Lemmata are underlined. There are no catchwords. ZZ On <I>r there is a pasted slip with a post-medieval title, 'Tomus Secundus Questionum'. The binding is 19th-century leather. <I> and fol. 11v and 138v are blank.

Vat. lat. 6770

saec. XIV

56 fols. memb. 351 (291) x 231 (196) mm, origin Italy. Quaterniones, saec. XIV.

fol. 1ra-53ra **Fredericus II**, <**Liber constitutionum regni Siciliae**> (See Vat. lat. 1437 fol. 3ra-50rb for further information.) *Variants:*

<Inscriptio deest.> (Rubrica) Constitutionum domini Frederici secundi sacratissimi Romani imperatoris Ierusalem et Sicilie serenissimi regis felicitis triumphatoris et semper augusti incipit liber primus. Amen. Rubrica. praem. ante rubricam textus (Inscriptio textus) Augustus *add. post* secundus (Finis) Amen. (Colophon) *add.* Deo gratias. (**Ed.** *Die Konstitutionen Friedrichs II. für sein Königreich Sizilien*, ed. H. Conrad et al. (Studien und Quellen zur Welt Kaiser Friedrichs II.; 2. ZZ Köln-Wien 1973), using this MS. **Bibl.** E. Sthamer, 'Die vatikanischen Handschriften der Konstitutionen Friedrichs II. für das Königreich Sizilien', *Papsttum und Kaisertum: Paul Kehr zum 65. Geburtstag*, ed. A. Brackmann (München 1926; anast. repr. Aalen 1973) 508-25, esp. 512-14; *Constitutiones Regni Siciliae 'Liber augustalis' Neapel 1475*, Faksimiledruck, introd. H. Dilcher (Glashütten 1973) 16.)

fol. 1rb-53ra <Incertus auctor, **Apparatus in Librum constitutionum regni Siciliae**> (Lemma primum) *Amplexantur*: Nota quod pax et iusticia sicut sorores adinuicem adplexantur ... (Lemma ultimum) <*regis*>: nota nouum regem nouam legem ... (Finis) simile habes supra de fide et auct. insti. I. cum circa. (Lemma *add. male: titulo*); Supra in principio constitutionis. (**Bibl.** G. d'Amelio, 'Una falsa continuità: il tardo diritto longobardo nel Mezzogiorno', *Per Calasso* 371-408 at 398 n. 92, 399 nn. 93-95; idem, "'Quaestiones' di giuristi napoletani in due manoscritti vaticani del *Digestum vetus* e del *Codex*", *Studi sulle "quaestiones" civilistiche disputate nelle università medievali* (Studi e ricerche dei 'Quaderni catanesi' 1; Catania 1980) 9-56 at 20 n. 51, 21-22; idem, *Indagini* 25-118, quoting extensively from these glosses in this section; Sella, *Sigle* 6, 8, 13 and 14; idem, 'Nuove sigle' 4, 5, and 9. This apparatus is constructed from the glosses of Andreas de Capua (e.g. fol. 46vb) and 'g' (e.g. fol. 46rb). The scribe has placed the gloss on *titulo* after the more proper ending, the gloss on *regis*, although the former has its proper letter: 'a'.)

fol. 53ra-56vb **Carolus I**, **Constitutiones novi <regni Siciliae>**, imperfectae (Rubrica) Incipiunt constitutiones noue domini nostri regis Karoli. (fol. 53rb) (Inscriptio) Karolus Dei gratia rex Sicilie etc. ... (Praefatio) <C>um de fide et legalitate tua confisi te iusti ... (Textus) Quia de uicariis quos in diuersis ciuitatibus atque locis terre Laboris et comitatus Molesii ac principatus et terre Beniuentane ... (Finis) perelegimus ius scriptum in hac parte potius (om. cod.) aliquatenus pertransire quam propter (per cod.) defectum probationum /// (**Ed.** *La legislazione angioina*, ed. R. Trifone (Documenti per la storia dell' Italia Meridionale I; Napoli 1921) 6-11, 14, 22, 19-21, 23, 26-27 in med., using this MS (siglum V2), see p. x n. 3 for a description of the MS. **Bibl.** E. Sthamer, 'Die Überlieferung der Gesetze Karls von Anjou', *Sb. Akad. Berlin* (1922) 162-73.)

The text and gloss are written in a *littera bononiensis* in dark brown ink. The gloss is referenced to the text by letters of the alphabet. Corrections and additions, sometimes extensive, were made in later hands; e. g. fol. 42r. Capitals are red or blue; those at the beginning of a section have elaborate penwork decoration in

the contrasting color. Paragraph marks alternate red and blue; rubrics are red. Pen tries appear on fol. 44v, 45r, 56v, and 60v. Catchwords are framed and centered. The text size given includes the gloss; where the gloss is not present, the text size is 193 x 175 mm. The MS has a 19th-century leather binding.

Vat. lat. 6812

saec. XIV

<II> + 193 fols. + <I> memb. 273 (202) x 190 (120) mm, origin Italy (?). Quaterniones, saec. XIV.

fol. 1ra-193ra **Goffredus de Trano, Summa super titulis Decretalium** (See Vat. lat. 2309 fol. 1ra-182rb for further information.) *Variants:*
(Rubrica) Incipit summa Gofredi edita super decretalis (*sic*). (Colophon) Gloria sit Christo de cuius munere sisto. Amen.

fol. 193rb <**Aegidius Alborno, Constitutiones Aegidianae**, excerptum> (IV 49)
(Rubrica) De raptu mulieris et adulterio et incestu et strupro (*sic*) et fornicatione. Constitutionum Marchie Ancon. Rubrica. 41^a (*sic*) libro 4^o. (Textus) Mulierem nuptam uirginem uel uiduam ... (Finis) quodammodo prosequantur iniuriam admictantur. (**Ed.** *Aegidianae Constitutiones [Constitutiones Marchiae Anconitanae]* (Venetiis 1605).)

The text of the *Summa* is in gothic bookhand by several scribes, in dark brown to black ink. The excerpt on fol. 193rb was added in a later Italian cursive. There are marginal notes throughout in contemporary and later cursives. There is a multicolored historiated initial at the beginning of the preface, fol. 1ra. Elaborate multi-colored initials appear at the opening of each book and at the title *de constitutionibus*. The initials are in the margins as no space was reserved for them in the text column. The top of each leaf upon which a book begins is marked by a painted heading (e. g., 'Incipit Liber Secundus'); in the case of book I this appears on the verso of the leaf upon which the book begins. Capitals are red or blue with penwork decoration in the contrasting color. Rubrics are in red, and the paragraph signs, many elaborate, alternate red and blue. There is half a column of space between book II and III, at fol. 89va. Some folios are badly rubbed to the point of illegibility, e.g., fol. 70v, 71r, 85r. <II>r-v contain a table of the titles of the *Summa*, in several gothic cursive hands. Fol. 193v is occupied by what appears to be a palmist's chart, with a diagram of two hands and notes in Latin and Hebrew. The date 1453 (or perhaps 1483 or 1493) appears at the top of the leaf. Catchwords are centered. The binding is of old green leather, with an unidentified coat of arms: a lion and a crowned eagle face one another, crossed words between them, and a comet above. <I>r-v and <+I>r-v are blank.

Vat. lat. 6813

saec. XVI

antea 6865. **Scr.** Marino Ranaldi.

177 fols. + 164a chart. 272 (229) x 204 (150) mm, origin Italy (Rome). Terniones, saec. XVI.

fol. 1r-177v <**Concilium Constantinopolitanum IV (869)**>, imperfectum (See Vat. lat. 1332 fol. 1r-177r for further information.) *Variants:*
(Rubrica) depromptae *pro* depromta (Inscriptio) Hadriano II *pro* Hadriano
(Invocatio) Amen *add.* (Finis) missus sum ad Photium et Michaellem imperatorem caussa benedictionis. Sanctissimi uicarii senioris Romae dixerunt. Subscripsistis

(ed. 156A) ///

Bibl. C. Leonardi. 'Anastasio Bibliotecario e l'ottavo concilio ecumenico', *Studi Medievali* ser. 3, 8.1 (1967) 59-191 at 148-49 for a description of the MS and additional bibliography.

The text is incomplete, stopping abruptly towards the end of Actio IX. The misplacement of part of Actio X, as in Vat. lat. 1332, occurs on fol. 150r-152v. The end of Actio VI is noted as the end of Actio VII. The MS was written in black ink in 16th-century cursive by three scribes: fol. 1r, fol. 1r-111v, and fol. 111v-177v. The first two appear in be the same scribes as in Vat. lat. 5593, and the third may be Marino Ranaldi, cf. Leonardi. The MS is undecorated. Fol. 1r has an old shelf mark: 6865. A later hand wrote the note at fol. 177v: 'Hactenus in edito apud Binium tom. 3 par. p.a sect. post. pag. 669D. For the watermarks, cf. Briquet no. 7105. The MS is bound in contemporary parchment.

Vat. lat. 6818

saec. XVIIlex./XVIIIlin.

Prov. Giovanni Maria Tommasi, O.Theat. (card. 1712-13) ?.
142 fols. + 83a-c + 106bis chart. 268 (200) x 200 (145) mm, origin Rome. Quinionones,
saec. XVIIlex./XVIIIlin.

fol. 1r-83v <Incertus auctor, **Liber diurnus romanorum pontificum**>

(Rubrica) Diurnus pontificum siue uetus formularum liber quo sancta romana ecclesia ante annos mille utebatur. (fol. 2r-4v) <Tabula formularum> ... (fol. 5r)
(Rubrica) Indiculus epistolae faciendae. (Inscriptio) Superscriptio ad principem. Domino piissimo et serenissimo, Victori ac Triumphatori filio ... (fol. 6r)
(Rubrica) De ordinatione pontificis. (Textus) Psallunt secundum consuetudinem, procedit electus ... (Finis) quae regulariter in psalmis ... Deo Saluatori ... uigilias excubias (cf. *ed.* Sickel 132, Foerster 180. The elipses in the explicit were supplied by the copyist.). (**Ed.** *Liber diurnus romanorum pontificum*. ed. T.E. Sickel (Wien 1889; repr. Aalen 1966); *Liber diurnus romanorum pontificum*, ed. H. Foerster (Bern 1958), neither using this MS. **Bibl.** Foerster, ed. cit. 37; L. Santifaller, *Liber diurnus, Studien und Forschungen* (Päpste und Papsttum 10; Stuttgart 1976) 184 and 196; H. Leclercq, 'Liber diurnus', *Dictionnaire d'archéologie chrétienne et de liturgie* 9.1 (Paris 1930) 243-344 at 327-29; I. Giorgi, 'Storia esterna del codice vaticano del diurnus romanorum pontificum', *Archivio della società romana di storia patria* 11 (1888) 641-89 at 656-61.)

fol. 84r-104r **Auxilius presbyter, Liber pro Formosi papae eiusque ordinationum defensione**

(Rubrica) Auxilii presbyteri pro Formosi papae eiusque ordinationum defensione liber. (fol. 85r) (Praefatio) (Rubrica) Praefatiuncula. (Textus) Prudens lector, haec de scripturarum copiis ... <Tabula capitulorum> ... (fol. 87r) (Rubrica textus) Caput primum. Ablatio ex decretali epistola Antheri papae. (Textus) Non transit de ciuitate in ciuitatem ... (Finis) et iudica causam tuam, cui est honor et gloria per infinita saecula saeculorum. Explicit. (**Ed.** PL 129.1059-74. **Bibl.** *Auxilius und Vulgarius*, ed. E. Dümmler (Leipzig 1866) 1-38, not citing this MS.)

fol. 104v-142r **Auxilius presbyter, <Tractatus qui Infensor et Defensor dicitur>**
 (Praefatiuncula) (Rubrica) Interrogatio super his, qui primo per uim, postea uoluntarie in eodem ordine consecrati sunt. (Textus) Vellem scire, quid de illis congrua ... (fol. 107r) (Epistola dedicatoria) (Inscriptio) Reuerentissimo domno Leoni sanctae Nolanae ecclesiae praesuli Auxilius in Domino salutem. (Textus) Missa legatione asseris te uiolentas pati oppressiones ... (fol. 107v) <Tabula titulorum> ... (fol. 108v) (Rubrica textus) Incipit textus cap. i. Quod ordinatio quam papa Formosus fecit, rata et legitima esse probabiliter ostendatur, etiam si ipse Formosus, ut aiunt, non rite fuerit ordinatus. (Textus) (Infensor *marginis*.) Formosus propria relictā uxore aliam abstulit ... (fol. 140v) (Finis) sed magis poenitentiae submittendum. (Praefatio *iterum*) Interrogatio super his, qui prima per uim, postea uoluntarie in eodem ordine consecrati sunt. (Textus) Vellem scire, quid de illis ... (Finis) quem (quam *cod.*) ab haereticis accipere non potuerint (potuerunt *cod.*) ... (ed. 1076A) (Ed. PL 129.1073-1102. The scribe ends with the ellipsis.)

Vat. lat. 6818 may be related to Casanatensis MS 4908 (formerly Castel Gandolfo MS M.V.9), which is inscribed with the name of Cardinal Tommasi; cf. Giorgio, 'Storia esterna ...' 661. The MS is written in a professional cursive hand of the late 17th or early 18th-century, in black ink in single columns without color or decoration. The headings in the *Liber diurnus* are in Roman capitals. The *Liber diurnus* text is generally held to derive from an ancient exemplar, *Vat. Arch. XI 19*, and from the early edition of Holste. There are occasional marginal notes by the scribe in the *Liber pro Formosi*; in *Infensor et Defensor* the two voices of the dialogue are marked in the margin. Catchwords appear in the lower right corner of each verso. Fol. 1r and 84r are title pages; fol. 84v contains a biographical note on Auxilius, referring to Baronius's citation of Sigebert of Gembloux. The watermarks are similar to (although later than) Briquet 12250 and 12251. The MS has a plain, green leather binding. Fol. 1v, 83a-c, 106bis^{r-v} and 142v are blank.

Vat. lat. 6935

saec. XIV

93 fols. + 5a memb. 366 (298) x 261 (220) mm, origin Italy. Quaterniones, saec. XIV.

fol. 1ra-5va <**Martinus de Fano, Questiones de iure emphyteutico**> seu Tractatus de iure emphyteutico
 (Textus) Quia sepe de iure emphyteutico ... (Finis) questio sit in se //dendum in fine. (The text closely resembles a 'Questiones de iure emphyteutico' in TUI IV.1 189-94 and in *Volumen V Tractatum [Tractatus Tractatum]* (Lugduni 1549) 542-47, attributed there to Guido de Suzaria. It is almost identical to a *Tractatus domini Martini de Fano super iure emphyteutico* in Vat. lat. 8746, fol. 208a^r-235r, in which the final *questio* is much shorter and in which the different numbering scheme yields twenty-eight questions, rather than the twenty-nine here. The lacuna is supplied from Vat. lat. 8746. U. Nicolini, *Trattati 'De positionibus' attribuiti a Martino da Fano in un codice sconosciuto dell' Archiginnasio di Bologna* (Milano 1935) 44, considered the TUI and *Tractatus Tractatum* texts as editions of Martinus's work. See also Dolezalek, *Verzeichnis* 3. This text and those that follow, through fol. 19, are written in a highly abbreviated 14th-century Italian gothic bookhand. Large initials begin sections in

the Martinus text. Its leaves, badly torn at the edges, have been repaired, but much of the text has been lost or become virtually illegible. In places the ink has been smeared or blotted out. Fol. 4 has suffered worm damage.)

fol. 5va-vb **Albertus Papiensis**, <**Tractatus de fideiussoribus**>, imperfectus
(Textus) ///ni epistola. Hec est illa epistola Adriani de qua ... (Finis) 1. In executionibus (Cod. 9.45.6). et no. de duobus reis aut. hoc nec presentem in fine glo. magne (ad Auth. *Hoc ita*, post Cod. 8.40(39).l. ex Nov. 99.1?). (Subscriptio) Alb' Pp. (About one-third of the text is missing because of the loss of part of the leaf.)

fol. 5vb, 5a^{ra} <Incerti auctores, **Quaestiones**>, nominantur: 'Prima questio talis fuit. Quidam accepit Berta (*sic*) in uxorem ... ut pena suos tantum teneat auctores ut C. de penis. Sancimus (Cod. 9.47.22) cum similibus.' (fol. 5vb); 'Questio talis est. Quidam habet multos creditores qui ueniunt et petunt sibi satisfieri in suis bonis sub extimatoribus communis Brixienensis ... atque mulcte prouocatio non ante, etc. et ff. de re iu. A diuo Pio. §. Quod si res sit pignorata (Dig. 42.1.15) etc. (fol. 5a^{ra}).

fol. 5vb-5a^{ra} <Incertus auctor, **Tractatus de positionibus**>, imperfectus
(Textus) Super 1. Si. ff. de interro. act. 1 (*leg.* §). 1 (Dig. 11.1.9.1?). Videndum est igitur an positiones fieri ... (Finis) ff. de pet. her. 1. Si quis libertatem (Dig. 5.3.7) in fine. uide. (**Ed.** Nicolini, *Trattati* 78-82. This is a fragment of a text found at Ross. 727 fol. 219va-220rb, attributed there to Martinus de Fano. Nicolini, who apparently knew neither of these manuscripts, edited another imperfect text only a few words less complete than Vat. lat. 6935, giving reasons for doubting Martinus's authorship at 23, 49-63.)

fol. 5a^{ra}-6ra <**Roffredus Beneventanus**, **Tractatus de positionibus**>
(Textus) Cum frequens et cotidianus sit hodie in iudiciis positionum usus et ideo magis necessarius ... (Finis) dixisse sufficiat gratia nouitatis nec enim actenus aliquem doctorum inueni in hunc modum tractatum de positionibus condidisse. (Subscriptio) Odofredus. (**Bibl.** Nicolini, *Trattati* 21, 49-50, 54-56; Izbicki, 'Problems in TUI' 490. Although the work is subscribed 'Odofredus', it is probably the work of Roffredus. Nicolini, at 21, discussed another manuscript of this work, also with an Odofredus subscription, which he ascribed to Roffredus. The text displays many readings at variance with the text in TUI IV 2ra-3ra, attributed there to 'Odofredus Beneventanus', and attributed in Coing, *Handbuch* I 194 to Roffredus. Some parts of the text are faded and illegible. The lower right of fol. 5a is wanting, and some text is lost.)

fol. 6ra-7ra **Thomasus de Piperata**, <**Tractatus de fama**> (See Vat. lat. 2343 fol. 47va-48vb, etc. for further information.) *Variants*:
(Invocatio) In nomine Christi et beate Marie uirginis. (Praefatio) Quoniam circa famam, inditium, argumentum, et presumptiones, multas dubitationes in iudiciis oriri contingit, instantia uiri prudentis domini Guilielmi iuris periti cuius

Alexandrini, ego Tomasius de Peuerata ... (Textus) Primo uideamus quid sit fama. Secundo unde dicatur. Tercio per quot testes probetur. Et postea dicam de accusatione. Fama est dignitatis illese status legibus ac moribus conprobatus. Eodem modo et eadem significatione dicitur. (Colophon) Deo gratias. Amen. (Parts of the text are lost because of folio damage, and part of the remaining text is faded and illegible.)

fol. 7ra-rb <**Benedictus de Isernia, Summula de quartis**>

(Textus) Super lege Cum queritur C. de inof. t. (Cod. 3.28.6) super illo uerbo quartam. Quot sunt quarte et quid in qualibet ueniat breuiter uideamus et quidem quarte xii. numero inueniuntur ... (Finis) ad hoc ff. famil. herc. li. (*sic*) Ex parte in principio (Dig. 10.2.39). (Ed. E.M. Meijers, *Iuris interpretes saec. XIII* (Neapoli 1924) 61-63. **Bibl.** H. Kantorowicz, *Studies in the Glossators of the Roman Law* (Cambridge 1938) 219. This text is longer than that in Chigi E.VII.218 fol. 150vb-151ra, from which Meijers worked. Benedictus was a student of Jacobus Balduini, who is mentioned as 'dominus ja. bal.' at fol. 7rb in a passage not found in the Chigi MS. The leaf has been repaired; a small portion of text at the lower outside corner has been lost.)

fol. 7va-10-va **Guido de Suzaria, <Quaestiones>**

(Textus) Questio talis est. Statuunt (*sic*) est ius in ciuitate ista ponamus quod maior ... (Finis) et hoc per leges ff. de legatis. i. Filius. §. Diui (Dig. 30.[1].114.11) et de legatis. iii. Pater. §. Iulius (Dig. 32.[1].38.4) et eodem titulo 1. Lucius (Dig. 32.[1].93). (Subscriptio) Guido de Suç. (Parts of the text have been lost because of folio damage, and parts of the remaining text have been rendered illegible with the fading of the ink. With this text begins a marginal enumeration of *quaestiones*, in a late cursive, which continues through the following three works of the codex, as if they all comprised one work.)

fol. 10va-17ra <**Albertus Gandinus, Quaestiones statutorum**>, imperfectae

(Textus) Si considerarem mei ingenii facultatem non ZZ (*ed. Si ?? considerarem ingenii et scientie mee paruitatem non ed.*) essem ausus tantum opus assumere ... (Finis) restituuntur ergo ut iterum producat per .l. ff. ex quibus c. ma. Sed et si per pretorem in prin. (Dig. 4.6.26). (Ed. A. Solmi, *Bibliotheca iuridica medii aevi* III (1901) 155-214. Solmi based his edition on two manuscripts, one of which is very similar to this one. **Bibl.** H. Kantorowicz, *Albertus Gandinus und das Strafrecht der Scholastik. Zweiter Band: Die Theorie* (Berlin und Leipzig 1926) xxvi; idem, 'Geschichte des Gandinustextes', ZRG Rom. Abt. 42 (1921) 1-30 at 10, 18; idem, 'Leben und Schriften des Albertus Gandinus', ZRG Rom. Abt. 44 (1924) 319-59. Part of the text has been lost because of folio damage. The text bears the sigla of many jurists.)

fol. 17ra-19ra **Guido de Suzaria** (?), <**Tractatus de maleficiis**>

(Textus) Tractaturi de maleficiis primo sciendum est quod de maleficio cognoscitur ⁱⁱⁱⁱor modis ... (Finis) et facit de magistra. con. 1. 1. in prin. (Dig. 27.8.1 or Cod. 5.75.1), C. de naufra. 1. fi. uel uerbis ad finem legis (Cod.

11.6(5).6). (Subscriptio) Guido de Suçaria. Amen. (Although attributed here to Guido, this text may actually be the work of Albertus Gandinus, whose work exists in several recensions. Works with the same incipit in Oxford Bodl. MS can. misc. 468 and Leipzig Univ. 992 were attributed to Albertus by H. Kantorowicz; cf. his 'Gandinustextes' 42 (1921) 9-10, 13-14; 43 (1922) 6-10; 'Leben und Schriften', 272-319; and *Strafrecht* II and Dolezalek, *Verzeichnis* 3.)

fol. 19ra-vb <**Auctores varii, Quaestiones**>, nominantur: Dinus de Mugello; Franciscus Accursius; Guido de Suzaria; Johannes de Blanosco; Johannes de Deo, Julianus de Sesso, Odofredus; incertus auctor.
(Probably excerpted from a *Liber quaestionum*, all seem to be written in the same hand as the previous texts, except the first question, which is unattributed and written in a notarial hand similar to that of an opinion of Dinus added across the bottom of fol. 19r. The cropping of the bottom of the leaf has partially destroyed a notation in a large notarial hand on the verso: 'marchi de /// suma suis usibus /// et questiones domini Guidonis de Suçaria.' The enumeration of *quaestiones* begun in the *Quaestiones* of Guido above runs through and ends with this work.)

fol. 20ra-85vb **Roffredus <Beneventanus, Libelli iuris civilis>**, imperfecti
(Rubrica) Rubrica. Si rem aliquam aliquis tenet seu possidet et tu dicis tuam esse potes eam uendicare. Rubrica. De rei uendicatione. (Rubrica textus) De rei uendicatione. Rubrica. (Textus) Si aliquis rem aliquam possideat cuius rei dicis ad te pertinere dominium ... (Finis) et super illa sibi perpetuum silentium imponeretur. Hodie talis libelli reprobantur ut petam. (**Ed.** Roffredus Beneventanus, *Libelli iuris civilis* (Avinione 1500) anast. repr. *Corpus glossatorum*, ed. ZZ Viora, VI.1 fol. i^{ra}-clxv^{rb}. The manuscript corresponds to fol. lvii^{rb}-clxi^{va} of the edition. **Bibl.** I. Baumgärtner, 'Was muss ein Legist vom Kirchenrecht wissen? Roffredus Beneventanus und seine *Libelli de iure canonico*', *Proceedings Cambridge* 223-48 at 225-27; and see Vat. lat. 2337 fol. 2ra-150vb. The text appears to be the collaboration of three or more scribes writing in Italian gothic bookhands. Large initials begin sections. The author's name appears on fol. 41vb: 'Explicit prima pars libelli Roffredi in iure ciuili. Deo gratias.' The siglum 'Ro' appears on fol. 42ra. At points the text is stained, smeared, or darkened, making reading difficult, e. g., fol. 20r, 25r, 34v, 51v, 65r, 85v. It is only sparsely annotated.)

fol. 86ra-89ra <**Bernardus Dorna, Summa libellorum**>, imperfecta
(Rubrica) Incipiunt formationes libellorum a domino Odofredo composite que quidem utiles sunt admodum. De seruiana actione. (Textus) <S>eruiana autem actio que et qualis sit ... (Finis) quia non plene probauit et ideo G. in centum petitis absoluo. (Colophon) Finiuntur libelli domini Odofredi in iure ciuili. Deo gratias. Amen. Deo gratias. Amen. (**Ed.** This manuscript corresponds to Wahrmond, *Quellen zur Geschichte des römisch-kanonischen Processes im Mittelalter* I 1-10 at 324-101; this text was apparently unknown to him. **Bibl.** See also Vat. lat. 2590 fol. 70ra-78va. It is written in a compact, neat Italian gothic bookhand. Large initials begin sections, though some are wanting. Sigla for

Odofredus appear at the ends of many sections. Despite these, the incipit, and the colophon, this appears to be the work of Bernardus. The first folio is stained; some of its ink is blotted, and the text is difficult to read.)

fol. 89rb <Incertus auctor (forsan **Antonius de Bobbio**), **Consilium de salario**>
(Textus) Super facto egregii domini uicarii domini uicecomitis Szan. ... (Finis) et autentica. Vt iudices sine quiquam (*leg. quoquo*) suffra. § Necessitatem collatio ii^a (Coll. 2.2.9 Nov. 8.9). (Subscriptio) Antonius de Bobbio legum doctor et uicarius domini potestatis ciuitatis Luchanensis etc. (This would appear to be a later addition to the codex, added in a notarial hand and filling one-half of an empty column. Bartolus is cited in the course of the argument. The subscription by or regarding Antonius is added in a different and smaller hand.)

fol. 90ra-93vb **Dulius Gambarinus**, <**Margarita de feudis**>
(Invocatio) In nomine Domini amen. (Praefatio) Quoniam cunctos litteratorie scientie amatores expedit dare operam studio indefesso ut sua in eum memoria relinquatur, ideo ego Dulius Gambaninus (*sic*) legum professor curauim de talento credito super feudis sociis relinquere margaritam ... (Rubrica) Quid sit feudum et unde dicatur, et quot sint genera feudorum. (Textus) Quid sit feudum et unde dicatur ... (Finis) De pena contra infitiantes no. infra si de fe. fu. contro. c. Vasallus si feudum in glo. quod dici (*leg. dicit*; ad Lib. feud. 2.26.4, v. *scientia*). Deo Gratias. Amen. (Colophon) Finitur sumula usus feudorum compillata per dominum Dulium Gambaninum (*sic*) legum professorem. Finit sumula usus feudorum compillata /// do/// legum /// Finitur summa usus. (**Bibl.** J. Acher, 'Notes sur le droit savant au moyen age', *Nouvelle revue historique de droit français et étranger* 30 (1906) 125-78 at 125-26, describes another manuscript of this work, Parma BP Parmensis 1227, which seems to differ only in lacking the invocation. Like Acher's, this text appears to be incomplete. It is written in a compact Italian gothic bookhand, highly abbreviated. Large capitals mark the section heads. Blots, creases, and stains have marred considerable portions of the text beyond recognition. The repeating of the colophon is probably not the work of one scribe. There are no marginalia.)

fol. 93vb <Incertus auctor, **Notae de margaritibus**>
(Written in a late notarial hand, this occupies the remainder of fol. 93vb, after the Dulius Gambarinus text. It appears to be a table of contents to that work, but it is badly faded and at times illegible.)

Cat. Dolezalek, *Verzeichnis* 3.

This is a composite codex. Through fol. 19 it appears to be the work of one scribe, with marginal annotations and corrections in various hands. This section alone is bound in quinions. The leaves have been cropped, perhaps to fit the remainder of the codex. At fol. 20 the gatherings and lay-out of the text change, as several scribes take up the imperfect Roffredus text, fol. 20ra-85vb. More care seems to have been taken with copying these folios than in the previous section. Pecia marks occur only in this section (e.g., fol. 57ra, 64va, 82ra), and the manner in which the text begins and ends - occupying the entire leaf in both cases and ending in the midest of a section - invites the conjecture that there were once more leaves at front and back. Another change of lay-out and scribes occurs after fol. 85.

The ink is brown throughout. Rubrics are red. Capitals and paragraph signs are red or brown through fol. 85, after that, red or blue. There are catchwords at the lower right verso of fol. 9, 27, and 35; the latter two are boxed. At the top of fol. 1r appears 'Odofredus', or perhaps 'Roffredus', in a late cursive, followed by some undeciphered abbreviations. At the bottom left of the same folio, also in a late cursive hand, is what appears to be 'Roffredus de iure ciuili', reference perhaps to the work found later in the codex. The binding is 19th-century parchment. Fol. 89v is blank.

Vat. lat. 6979

saec. XIV.1

antea 362. 272; C. Si. 2^a. **Prov.** Gaspar Zachii, bp. of Osimo (1460-1474?).

<III> + 41 fols. + <I> memb. 225 (175) x 160 (130) mm, origin Italy (Bologna?).

Biniones. saec. XIV.1.

<I> there is the old callnumber C SI 2^a.

<IIv> Constitutiones Clementis pape quinti Res. G. Volaterrani epi Auximani and at the top bolognini X.

<IIIv> Johannes episcopus....

<III>v-fol. 41vb **Clemens V, Constitutiones <Clementinae>** (See Vat. lat. 1401 fol.

1ra-60rb for further information.) *Variants:*

(Rubrica) Incipiunt constitutiones domini Clementis pape quinti in concilio Gienuensi. Incipit prohemium Iohannis pape super dictas constitutiones. Rubrica (Inscriptio) Auinioni *pro* Bononie <Rubrica et inscriptio textus desunt.> (Textus) propter quod [Deus] *pro* preter quod (fol. 41va) (Colophon) Finis ix pec. Explicit liber vii decretalium. (fol. 41vb) <D>atum Auinioni kalendis (?) [no] nouembris pontificatus nostri anno secundo. Clemens in concilio [uienn] Lugdun. (*sic*).

Bibl. Tarrant, 'Clementinae' pt. II 123-24 and 140.

The MS is a university exemplar in several Gothic bookhands in black ink. <II>v is a smaller insert, containing the text of John XXII's letter of promulgation, written in long lines, perhaps by one of the scribes who worked on the MS, the text being crowded to fit an the sheet. Clem. 1.1. un. then begins on fol. 1r. The dating clause has been erased, but one of the scribes copied it at fol. 41vb. Rubrics are red to fol. 8ra; thereafter they are simply underlined. Pecia marks appear an fol. 10r, 19r, 23r, and 39r, as well as copied by the last scribe into the colophon. <II>r and <+I>v seem to be fragments of papal bulls. The old shelfmarks ZZ '362' and 272 are written on the upper and lower parts, respectively, of the front cover. <I>r has another old shelfmark. 'C. SI. 2^a (C 51 2^a?). <II>v is blank except for the signatures of the apostolic *scriptores*, ZZ Constitutiones Clementis pape quinti G. Res. Volaterrani epi Auximani ' /// Bologn<i>ni' ZZ (Gaspar Zachii) Half of the second column an fol. 26 was cut away, interrupting on the recto the text of Clem. 5.1.1 after the third word, 'nostris'. The verso is blank except for the catchword 'humeris', and the text resumes on fol. 27ra. There are catchwords at lower right at fol. 8v, 9v, 26v, and 30v. The MS has a parchment binding with remnants of in earlier one, including, on the spine, the shelf mark '6979' and part of an old title, '///ion Clementis V MS'. <+I>r is blank.

Vat. lat. 7005

saec. XV (1439)

antea C.8. C.9.o. **Prov.** Convent of Sant' Onofrio. **Scr.** Johannes Jacobi Christiani Amstelredammis.

<II> + 261 fols. + <I> chart. (memb.: <II> et <+I>) 296 (204) x 204 (133) mm, origin Italy (Modena). Quiniones, saec. XV (1439).

<I>r-v, <+I>v <**Kalendarium**>, fragmenta

(**Bibl.** *Manuscripts liturgiques*, ed. Salmon IV 374. These fragments give the saints's days in May-June and January-February.)

fol. 1ra-255va <**Bartholomaeus de Sancto Concordio O.P., Summa de casibus conscientiae**> (See Vat. lat. 2319 fol. 1ra-239va for further information.)

Variants:

(Additio fol. 255rb) Queritur quare summa presens est breuior summa prima de qua extracta est ... (Finis additionis) quod in ista citatio expeditur. (Colophon) Deo gratias. Consummatum ac editum fuit hoc opus per fratrem Bertholomeum (*sic*) de Sancto Concordio Pysani ordinis fratrum predicatorum in ciuitate Pysana anno Domini M^o ccc^o xxxviii^o in mense septembri tempore sanctissimi patris Benedicti pape xii. (**Bibl.** Kaeppli, *Scriptores* I 164 no. 436.)

fol. 255va <Incertus auctor, **Tabula abbreviationum in Summa Bartholomaei de Sancto Concordio**>

(Rubrica) Iste sunt declarationes abreuiationis. (Textus) Ala. idest Alanus. Al. Albertus Theutonicus ... (Finis) § paragrapho uel paragraphus. (**Ed.** See Vat. lat. 2318 fol. 192vb-193ra.)

fol. 255vb-258vb <**Tabula alphabetica Summae Bartholomaei**>

(Colophon codicis) Completum per manus Iohannis Iacobi Christiani Amstelredammis anno M^o cccc^o xxxix^o die xv^o mensis septembris in Mutina. Sit laus Deo. Amen.

fol. 259ra-260ra <**Tabula titulorum Decretalium**>

The MS is in the gothic bookhand of Johannes Jacobi Christiani Amstelredammis in dark brown ink. The calendar fragments and the table at fol. 259ra-260ra are in other gothic bookhands. Fol. 1r has an elaborately drawn foliate border with numerous figures in it. Capitals are blue with red or red with violet decoration. Paragraph signs are red or blue. Drawings were done on <II>v. On <+I>v there is a miniature, and at the same place is written, 'regula ad inueniendum Pascham ... quam regulam scripsi ego Frater Nicolaus Gratia de Veneciis B. dum essem laicus (?) huius conuentus 1423', ZZ which suggests that this leaf and <I> are binding scraps taken from another MS. This note is followed by 'Iste liber est prioris sancti Onofrii'. There is a later pen trial on <I>r with the old shelfmarks 'C.8' and 'C.9'. <II>r has a note on the date of Bartholomaeus's *Summa*. The ex-libris 'Est loci sancti Honofrii' appears on fol. 1r. For the watermarks, cf. Briquet no. 7336. Catchwords are centered. The MS has an old parchment binding, perhaps the original. Fol. 260v-<+I>r are blank.

Vat. lat. 7072

saec. XVmed.

65 fols. chart. 427 (302) x 287 (190) mm, origin Italy. Quiniones, saec. XVmed.

fol. 1ra-62vb <**Andreas Barbatia, Commentaria in Decretales**>, fragmenta duo (X 1.5.1-1.5.6; 1.4.1-1.4.9)
 (Fragmentum primum) Visum est supra de iure scripto et non scripto ... (fol. 2va)
 (Lemma primum) *Ad hec*: Inpostulabilis est qui uiolat interdictum ... (fol. 25ra)
 (Finis) et per do. abb. in c. 1 de testi. et per scribentem in c. uides filii (carissime *add. ed.*) [d] X di. gratias Deo (Inscriptio) ??? cas ??? dus (fol. 28ra)
 (Fragmentum secundum) Dominus Galuanus qui repetiit in studio Paduano c. fi. infra eo. (X 1.4.11) ... (fol. 33ra) (Lemma primum) *Consuetudines*: Potest legi duobus modis et secundum primum et communem intellectum (fol. 60va)
 (Lemma ultimum) *Cum consuetudinis*: ... (Finis) ut superior prestat consensum intelligitur per uiam ///

Ed. A. Barbatia, *In primum [-tertium] librum decretalium ... commentaria* (Venetiis 1508) I fol. 300rb-313vb, 263ra-290va. **Bibl.** L. Genuardi, 'Canonisti siciliani del secolo XV', *Studi in Onore di Francesco Scaduto* vol. 1 (Firenze 1936) I 421-32 at 426-27; Sella, 'Nuove sigle' 5.

The two fragments are in different hands: the first (fol. 1ra-25ra) is a gothic cursive bookhand; the second (fol. 28ra-62vb) is an humanist cursive bookhand. The ink is gray brown in both sections. In the first part capitals and paragraph marks are alternate red and blue, the former with violet penwork decoration. In the second part there is no color, but the lemmata are written in large rustic capitals. Catchwords are vertical on the inner margin line in both sections. The MS has two foliations, the first, handwritten in the upper right corner, skips the blank folios. The second, stamped in the lower right corner, is followed here. Although in different hands, the fragments are probably both from a single codex as the watermark is the same on fol. 1-62. For the watermarks, cf. Briquet nos. 7466 and 8936. The MS has an old parchment binding in which the binding threads come through and help form six bands. Fol. 25v-27v, 36r-37v, and 63r-65v are blank.

Vat. lat. 7073

saec. XV

49 fols. + 17bis chart. 390 (288) x 273 (177) mm, origin Italy. Quiniones, saec. XV.

fol. 1ra-49vb <**Panormitanus, Lectura in Decretales**>, fragmentum (Lib. II. pars 1;- X 2.2.7-2.5.un.)
 (Lemma primum) <*Verum*>: /// Quero in (cum *ed.*) glossa prima quare hic differtur ista questio in tempus futuri episcopi ... (Lemma ultimum) *Olim (Cum ed.) inter*: ... Fatetur tamen Ho. quod si positio fiat generalis ///

Ed. Panormitanus, *Decr. Comm.* III fol. 64ra-104va. **Bibl.** See Vat. lat.2247; Sella, 'Nuove sigle' 13.

This MS contains five gatherings surviving from a larger codex. The text is written in a late gothic bookhand in dark brown ink. Rubrics, capitals - when they have been added - and paragraph signs are red. Catchwords are centered. For the watermarks, cf. Briquet no. 11662. The MS has a late 18th-century parchment binding.

Vat. lat. 7074

saec. XV (ca. 1485)

antea 354.

32 fols. chart. 399 (279) x 275 (180) mm, origin Italy. Quiniones, saec. XV (ca. 1485).

- fol. 1ra-7ra <Incertus auctor, **Lectura in Decretales, excerptum**> (X 2.26.12-15)
(fol. 1r) (Rubrica) Liber II^{us}. (Invocatio) Iesus. (fol. 1ra) (Lemma primum) *Cum non liceat*: Subditus non prescribit obedientiam contra prelatum ... (fol. 5rb) (Lemma ultimum) *Auditis et in*: ... (Finis) quod abbas possedit exercuit illa iura episcopo tamen non excluso sed concurrente in exercitio. (The author cites Panormitanus (e.g. fol. 2va) and Johannes de Imola (e.g. fol. 6r) within the text. At fol. 2vb the lecture on c. *Cum non liceat* ends, 'et per Lapum in allegatione xxxv circa finem'.)
- fol. 11ra-18ra **Panormitanus, Quaestio <I>** (See Vat. lat. 5607 fol. 73va-91rb for further information.) *Variants*:
(Finis) Amen. M cccc xxiiii xxiii iulii. *add. post* curie (Colophon) de Tudisco *add. post* Nicolaum; de Moniaciis *pro* Monacensem; M cccc xxvii *pro* Mcccxxvi.
- fol. 18rb-20vb <**Panormitanus, Repetitio c.**> *Cum esses* (X 3.26.10), imperfecta (Lemma) <C>*um esses*: Hoc capitulum uariis (uaris^{ac}) modis legitur ut infra patebit sed inherendo littere hoc dicit ... (Finis) non debet ab ecclesia recipere nisi tamen /// (**Ed.** Panormitanus, *Decr. comm.* VI fol. 117vb-121vb, ending at 119vb.)
- fol. 21ra-vb <Incertus auctor, **Tractatus de absolutione debitoris**>, imperfectus (Textus) /// late concepti /// /// /// missima quia notorii he/// ... (Finis) que in uariis locis sparsa uigerit difficultatem maxime iuuenibus et librorum copiam non habentibus. Laudetur Deus. Qui scripsit sit benedictus.
- fol. 22ra-23ra <**Johannes Andreae, Lectura in arborem consanguinitatis**> (See Vat. lat. 1383 fol. 1va-2ra for further information.) *Variants*:
(Textus) Circ<a lecturam arbori>s diuersis olim <diuersum> (Finis) inpedit *pro* inpediet; contrahere *om.*
- fol. 23ra-vb <**Johannes Andreae, Lectura in arborem affinitatis**> (See Vat. lat. 1383 fol. 2ra-va for further information.) *Variants*:
(Finis) continuo *pro* continue <Subscriptio deest.> (Colophon) Deo gratias.
- fol. 24ra-va **Franciscus <de Accoltis, Repetitio I.> In exercendis** (Cod. 4.21.15)
(Rubrica) De fide instrumentorum. (Lemma) *In exercendis*: Per quot testes reprobetur instrumentum Inno. in c. Cum Iohannes (X 2.20.10) eodem titulo multum se inuoluit ... (Finis) que produxit illud cui derogare nolo ut supra l. proxima (Cod. 4.21.14). (Subscriptio) Per Franciscum de Aretio.
- fol. 24va-25va <**Hungarus Hugolini de Firmo, Tractatus de computatione dierum in termine**> (See Vat. lat. 2656 fol. 94vb-95va for further information.) *Variants*:
(Rubrica) Questio domini Iacobi de Butrigariis de Bononia.

fol. 31ra-c <Incertus auctor>, **De ambitu urbis Romae**

(Rubrica) De ambitu urbis Rome. (Textus) Ambitus urbis Plinii temporibus fuit m
d xx nostra aetate uix xiiii ... (Finis) M. Iunius Brutus aedem Magne Matris in
palatio edificauit et ludi ob eam rem. ///

Bibl. Sella, ZZ 'Nuove sigle' 8, 13.

The MS is written in four hands in brown ink. The first (fol. 1ra-7ra) is a humanistic italic hand, the second (fol. 11ra-20vb) and the third (fol. 21ra-25va) are late gothic cursive bookhands. The fourth (fol. 31ra-c) is a late gothic bookhand with traces of humanistic influence. The presence of the old shelfmark '354' at fol. 11r and 21r suggests that the first quire (fol. 1-10) was not part of the original MS. Fol. 21-23 are damaged. The written numeration ignores the internal blank folia, now fol. 8-10 in the stamped numeration, which has been followed here. At the bottom of fol. 11r is written, 'Haec sunt scripta propria manu Nicolai de Tedeschis abbatis Panormitani ut patet ex Cod. 2549 Vaticano, qui etiam autographus est eiusdem auctoris'. Blank spaces have been left for capitals. For the watermarks, cf. Briquet nos. 7465 and 11727. Catchwords are centered. The MS has an old parchment binding, possibly the original. Fol. 7v-10v, 26r-30v, and 31v-32v are blank.

Vat. lat. 7106

saec. XIII

antea 369.

35 fols. + 25a-c memb. 267 (198) x 195 (137) mm. Quiniones, saec. XIII.

fol. 1ra-25va <Incertus auctor, **Commentarium super librum primum Sententiarum Petri Lombardi**>, imperfectum (D.39 *med.-fin.*)

(Textus) Res uisa est causa uisionis in nobis. Ita in diuino oculo ... (fol. 22rb)

(Finis) qui est uia, ueritas et uita perfecta. Amen. (Colophon) Explicit primus sententiarum egregii doctoris. <Tabula titulorum> ... (fol. 22vb) <Tabula materiae>.

fol. 26ra-35rb <**Bernardus de Botone Parmensis, Casus longi Decretalium, Lib. IV**>

(Rubrica, *marg. sup., al. man.*) fragm. casus decreti (*sic*). (Textus) v. *De Francia*.

Casus. Quidam iuuenis de Francia duxit in uxorem ... (Finis) non dedignantur sacros canones imitari. Hic sufficit pro utroque capitulo. (**Ed.** and **Bibl.** See Vat. lat. 1438 fol. 81ra-158vb.)

fol. 35va-vb <**Ludolphus, Ethica**, excerptum> (II, vv. 1-19)

(Textus) Laus et honor pueris solet euenire ... (Finis) ubi custos dicere nescit solum (nil scit preter *pro* nescit solum *ed.*) amen. (**Ed.** R. Peiper, 'Beiträge zur lateinischen Cato-Literatur', *Zeitschrift für Deutsche Philologie* 5 (1874) 165-86 at 172-86; see 179-83 for this excerpt. **Bibl.** Walther, *Proverbia* II 704-05.)

The Commentary on the Sentences is in a cursive hand on the erased sheets of a notary's book or court record book; one can see the names Guido Pinaldi and Lamberto Giamboni, and a notation 'pro dote, solui florenos, sub pena', and dates that include month and day. The three folios after 25 (i.e., 25a-c) are ruled in two columns but are blank except for a cursive note on 25v: 'Questiones super materiam sententiarum'. Corrections and variants were added by the scribe himself. Spaces remain for small capitals at the beginning of each article. The text of Bernard of Parma's Casus is in a Gothic hand, with red rubrics and Italianate initials; the folios here are smaller, 204 x 137. The title 'fragm. casus decreti' was added in a much later cursive hand, and was partly clipped off when the folios were trimmed. Compass prickings are visible in the margins from fol. 26 onwards. The verses on fol. 35v are in a faded medieval cursive hand. A different cursive hand added a note after the end of the text on fol. 35rb: 'Cum in iuuentute rex Ungarie denunciauit summo pontifici ...'. Fol. 1r has the number 369 in the upper margin. Only one catchword survives, in a decorated border at the lower right of fol. 10v. The binding is a contemporary parchment one.

Vat. lat. 7188

saec. XV

antea 374. **Prov.** Lorenzo Zaccagni.

201 fols. + 24bis + 118a chart. 285 (198) x 208 (123) mm, origin Italy; Germany. Seniones, saec. XV.

fol. 1r-30r **Heryaeus** <**Natalis O.P., Tractatus de iurisdictione et exemptione religiosorum**>

(Rubrica) Erueus magister generalis ordinis predicatorum (predicatoris^{ac}).

(Textus) Ad euidenciam dicendorum de exemptione cum exemptio nichil aliud sit

... (Finis) graue esset tollere illud quod facit ad quietem multorum diuino seruitio uocantium etc. (Colophon) Explicit tractatus de exemptione magistri Heruey etc. Explicit tractatus de exempcione. (**Ed.** Herveus Natalis, *De iurisdictione*, ed. L. Hödl (München 1959); O. Raynaldus, *Annales ecclesiastici*, ed. J.D. Mansi IV (Luccae 1747) 567-80. **Bibl.** Kaeppli, *Scriptores* II 241 no. 1914.)

fol. 31r-43v, 138r-161v, 136r-v, 126r-135v, 137r-v <**Guillelmus Petri de Godino O.P., Tractatus de causa immediata ecclesiasticae potestatis**>, imperfectus (Praefatio) Circa potestatem a Christo collatam prelatis ecclesie sex per ordinem sunt uidenda ... (Rubrica textus) Primus articulus. De potestate Petri. (Textus) Quantum ad primum de potestate Petri apostoli singularem (singulari cod.) sunt quinque conclusiones principales ... (Finis) quod status illorum fuit /// (**Ed.** *The Theory of Papal Monarchy in the Fourteenth Century. Guillaume de Pierre Godin, Tractatus de causa immediata ecclesiasticae potestatis*, ed. W.D. McCready (Toronto 1982), using this MS (Siglum V⁷), 105-139.635; 327-340.382; 340.382-352; 139.637-219.903; 219.903-222.51; 222.51-260.334; 260.334-263.440. **Bibl.** Kaeppli, *Scriptores* II 155 no. 1632.)

fol. 44r-v <**Jacobus de Theramo, Processus Belial**>, fragmentum (Praefatio) Vniuersis Christi fidelibus atque orthodoxe sancte matris ecclesie fidei cultoribus hoc breue compendium inspecturis ... (Textus) Postquam per esum ligni duplicem habuimus mortis dampnationem ... (Finis) manibus et pedibus penetratis die /// (**Ed.** *Processus Iuris Ioco-Serius* (Villerianis 1601) [not seen]. **Bibl.** M. Munsterberg, 'Satan's Law-Suit Against Christ', *Boston Public Library Quarterly* 6 (1954) 150-59. A later hand has written 'Moses et Belial' at the top of fol. 44r.)

fol. 45r-100v <Incertus auctor, **Repertorium alphabeticum**> (Lemma primum) *Alimenta*: An debeantur filio qui habuit partem et ea/// ... (Lemma ultimum) *Confexio*. ... (Finis) dic in uerbo Arbiter dixi. (Most of the entries cite Baldus de Ubaldis, *Additiones ad Speculum iuris*.)

fol. 103r-111v <Incertus auctor, **Casas extravagantium**> (Rubrica) Innocentius III^{us} Nicolaus III^{us} Bonifacius VIII. (Lemma primum) *Cum bonus pastor*: Patriarche archiepiscopi episcopi abbates priores in curia Romana uel infra duas dietas (sic) extra ecclesias eis commissas existentes ... (Lemma ultimum) *Ad perpetuam etc. Solicite debet uitari*: Quod illi qui in curia Romana annunciant prouisionem de eo factam nichil debent recipere alias incurrunt excommunicationem ipso facto. (**Bibl.** *Extravagantes Iohannis XXII*, ed. Tarrant 3 n. 4. This collection is keyed by a system of folio numbers in the left margins and by a series of titles in the right margins to a collection of texts in another MS. That collection occupied its fol. 1-77. The texts are arranged here roughly chronologically, beginning with Innocent III and ending with Gregory XI, whose constitutions are listed after those of Urban VI found on fol. 110v-111r.)

fol. 113r-118a^v <Incertus auctor, **Casus extravagantium**>

(Rubrica) De summa Trinitate. (Lemma primum) *Sacro approbante. Vnam sanctam*: Quod papa habet iurisdictionem spiritualem etc. ... (Rubrica ultima) De uerborum significatione (Lemma ultimum) *Cum nonnullis*: ... (Finis) nec in tali reseruatione includuntur beneficia manualia ad nutum etc. (This set of *casus* is arranged by titles, and it is indexed to the same collection of texts as that described above at fol. 103r-111v by a series of folio numbers in the left margins. The names of popes and councils also appear there, including texts which are not listed in connection with the preceding work: Boniface IX (e.g. fol. 114v), the Council of Constance (e.g. fol. 118r); Martin V (e.g. fol. 113r); the Council of Florence (fol. 113r).)

fol. 119r <**Catalogus pontificum**> (Innocentius III-Urbanus VI) GREGORIUS XI ALS LETZTE

(This table is on a scrap of paper attached to the folia. It lists the popes in the *casus* at fol. 103r-111v above, giving an indication of where their constitutions begin in the original collection and giving, the number of constitutions present for each pope listed.)

fol. 162r-173v <**Hervaeus Natalis O.P., Tractatus de potestate papae**>, imperfectus (Textus) /// omnis alia potestas quantum ad correctionem abusum ... (Finis) tanto est immediatior effectui quia quanto causa est /// (Ed. Hervaeus Natalis, *In quatuor libros sententiarum commentaria quibus adiectus est eiusdem auctoris Tractatus de potestate papae* (Parisii 1647, anast. repr. Farnborough, Hants. 1966) 363-401 at 369-84. **Bibl.** J. Miethke, 'Die Traktate "De potestate papae". Ein Typus politiktheoretischer Literatur im späten Mittelalter', *Les genres littéraires dans les sources théologique et philosophiques médiévales* ... (Louvain-le-Neuve 1982) 193-211 at 210 v. Hervaeus Natalis.)

fol. 174r-200v <**Auctores varii, Consilia**>, nominantur: Bartolus de Saxoferrato (fol. 174r ZZ [imperfectum], 174v-176r, 176r-177r, 177r-178r, 178v, 178v-180r, 180r-v, 180v-181r, 181r-v, 181v-183r, 183r-184r, 184r, 184v-185r, 185r-186v, 186v-187v, IST 186v NICHT ABGESONDERT ?DANN: 187r-v; 187v-188v, 188v-189r, 189r-v, 189v-190v, 190v-192r, 192r, 192v-193r, 193r-194r, 194r-195r, 195r-196r, 196r-198r, 198r-199r, 199r-v, 199v-200v); Franciscus Tigrini (fol. 184v-185r, 192r, 192v-193r) (**Bibl.** Calasso, 'Bartolo' 652. This is an incomplete collection, that is mutilated at the beginning. The first text was no. 15 of an incomplete numeration which ends with no. 29 at fol. 185r. At fol. 200v the scribe wrote 'Viso testamento' but did not continue. These texts have been extensively annotated.)

Cat. Dolezalek, *Verzeichnis 2*. **Bibl.** Bignami, *Bibliothèque* 156 n. 103; *Theory of Papal Monarchy*, ed. McCready 61-62.

The MS is a composite collection that, according to Bignami, belonged to Lorenzo Zaccagni (†1712). Fol. 44 is of Germanic origin, but the other texts are of Italian origin. The MS is written in several late Gothic hands in dark brown ink. To fol. 44r capitals and paragraph signs are red, with a red rubric at fol. 31r. The old shelf mark '374' appears at fol. 1r. Fol. 125v has notes on the general councils of Constance, Basel and

Ferrara-Florence. At fol. 126r is written: 'fragmenta iuris canonici et ciuilis'. The first two quires are quinions; the rest, senions. Catchwords are at lower right, except for one which is centered on fol. 173v; to fol. 43v they are framed in red, thereafter, occasionally in ink. Fol. 45 is damaged. For the watermarks, cf. Briquet nos. 11726, 14463, 5747, 4076, 9936, 5153, 3570, and 788. The MS has an old parchment binding, possibly contemporary with the assembling of the collection. Fol. 30v, 101r-102v, 112r-v, 119v-125r, and 201r-v are blank.

Vat. lat. 7189

saec. XV-XVI

Prov. Juan de Torquemada O.P., card. 1439-68 (fol. 1r-233v). **Scr.** Juan de Torquemada O.P. (fol. 1r-233v).

<III> + 438 fols. + 225 bis + 415-424bis + 422ter chart. 300 (247) x 221 (114) mm, origin Italy (Rome?); Portugal (?). Saec. XV-XVI.

fol. 1r-233v <**Johannes de Turrecremata, O.P., Commentaria in Decretum**> (Pars 1: D.21 c.3med.- D.49)

(Textus) /// propter quam unitatem Apostolicis ecclesiam unum corpus esse dicit ... (Finis) Cayn qui de peioribus aserebat oblacionem Deo faciebat. (Colophon) Finis [Deo gratias] huius distinctionis Deo gratias in qua [propter] gratia uitande prolixitatis facimus finem huius primi uoluminis. (**Ed.** Turrecremata, *Commentaria* I 196a-397a. **Bibl.** See Vat. lat. 2267 and Vat. lat. 2572; Sella, 'Nuove sigle' 12 (*lan.* = Lanfrancus fol. 102v). There are marginal notes and extensive rewriting. This is the missing volume of the autograph series Vat. lat. 2572-2576, fitting between Vat. lat. 2572 and 2573. It begins with the rest of the incomplete sentence ending 2572. It is not listed in Garrastachu, 'Torquemada' 206-09, but is in Kaeppli, *Scriptores* III 38 no. 2731.)

fol. 235ra-238rb <**Bartolus de Saxoferrato (?)**>, **Tractatus de ritu iudiciorum ad practicam**

(Invocatio) Ihesus. (Textus) <M>emorie iudicis (iudicantis ed.) qui in tribunali quolibet praeest (presidebit cod.), occurrunt infrascripta ... (Finis) non auditur appellans de iure nec iudex ipsam (om. ed.) appellationem recipiet. (Colophon) Deo gratias. Amen. Explicit libellus de officio iudicis et que scire ipse debet. Amen. (**Ed.** Bartolus, *Opera* X fol. 144vb-145ra. **Bibl.** Calasso, 'Bartolo' 659; Casamassima, *Codices* 28, for Coburg MS Cas. 12, which also has a gloss. The text is written in a late humanistic cursive.)

fol. 235ra-238va <Incertus auctor, forsan **Johannes Mottola, Apparatus in Tractatum de ritu iudiciorum ad practicam**>

(Lemma primum) <M>emorie: necessario in scriptis redigitur quia memoria hominis labilis est ... (Finis) nota ff. ex quibus casus (*sic*) in possessionem erant ut lex Fulcinus (Dig. 42.4.7) Io. Muctula. (**Ed.** Cf. Bartolus, *Opera* X fol. 145ra-146rb for an 'Explicatio' which is highly similar to this gloss but is not as long. **Bibl.** D'Amelio, *Indagini* 69(-70) n. 120, suggesting Mottola as the author, noting that this is a longer form, and quoting from fol. 236r. The gloss is written, perhaps by the same writer as the text, in a small, individualistic cursive that becomes

irregular on the last folios.)

fol. 239r-244r <**Andreas Bonellus de Barulo, Differentiae inter ius Romanorum et ius Langobardorum**, seu Commentaria in leges Longobardorum>

(Praefatio) Vtilitas huius opusculi cum (ad cod.) per se patet commendatione (quodammodo *pro* patet commendatione cod.) non indiget ... (Textus) Differunt quidem (<D>yfert *pro* Differunt quidem cod.) primo inter se ius Romanum et (ius add. cod.) Langobardorum ... (Finis) in hoc opusculo nolui (uollo cod.) compilare. (Colophon) Deo gratias amen. Explicit tractatus differentiarum inter ius Romanorum et ius Langobardorum. (Ed. *Andree de Barulo jurisconsulti celeberrimi in leges Langobardorum opulentissima Commentaria*, in *Leges Langobardorum. Cum argutissimis glosis D. Caroli de Tocco ...* (Venetiis 1537) 232va-240rb, this text ending at 240ra. The MS ends with tit. 36, the edition having 38 titles plus additions. **Bibl.** F. Liotta, 'Bonello, Andrea', DBI 11 (1969) 776-79 ar 778-79; D'Amelio, *Indagini* 58 n. 99; eadem, 'Una falsa continuità: il tardo diritto longobardo nel mezzogiorno', *Per Calasso* 369-411 at 393 n. 70, 394 and n. 75; Dolezalek, *Verzeichnis* 2. The text is written in a highly irregular and personal cursive.)

fol. 244r-255r <Incertus auctor, **Commentaria in leges Langobardorum**>

(Rubrica) Constitucio que incipit iuris gentium. (Textus) Nota ex glossa istius constitutionis quod appellatio familie ... (Finis) contra 2° nubentes que defraudare. (Colophon) Deo gratias et uirgini Marie ac beate /// in cuius uigilia perfeci hac scripturam ac gracias ago tote curie celesti. (Written in the same hand as fol. 239r-244r.) ERGAENZUNG AM RAND TEILWEISE UNLESERLICH

fol. 256r **Dubia in causa Capuana prebendae**

(Rubrica) Dubia resoluenda in causa Capuana prebende ZZ in primis uidetur. (Textus) An per merita probatoris sit probata opcio pro parte dompni Bisuli ... (Finis) ipsum presbiterum Bisulum uiuum prout eciam uiuit adhuc. (The leaf is written in a very neat humanistic bookhand and annotated in the cursive hand of the immediately preceding pieces. There are references to the years 1437 and 1439, and to 'allegationes domini Iacobi'; the notations continue upside down on the verso.)

fol. 257r-263r <Incertus auctor, **Lectura**> in **Authenticorum libros**, excerpta (Auth. 1.1-5.8 rub.), imperfecta

(Rubrica) Ex libro auctenticorum et ex collectione prima cepta relegi per me XXV. nouembris M° cccc. lv Rome. Rubrica de heredibus et falcidia. Constitutio prima Si heres soluere noluerit. (Textus) Ex glossa i. *In nomine* nota principem condere leges ... (Lemma ultimum) § *Quia igitur*: ... (Finis) que regi omnium Deo dedicate sunt posse commutari. Aut. Vt de cetero commutationes rerum ecclesiasticarum non fecte fiant ad piissimum imperatorem. (This quaternion is written in a good, even 15th-century cursive. Space remains for an enlarged capital at fol. 257r. Lemmata are usually underlined. Only three lines of text appear on fol. 263r. The rest of the folio is blank.)

fol. 264r <Incertus auctor, **Tractatus de protestatione**>

(Textus) Quadruplex est protestatio: declaratoria uoluntatis protestantis. Secunda prohibitoria seu inhibitoria ne aliquid fiat ... (Finis) ut si debitor denunciatur fideiussori quod soluit. (Written in a neat humanistic cursive, this may be in the same hand as the previous piece.)

fol. 265ra-rb **Beneuentus de Rambaldis de Imola, <Commentarium super Paradiso Dantis>**, fragmentum

(This is fol. xxxiii of Vat lat. 4780, as recorded at <I>r: 'f. 265 est folium extremum codicis Vat. lat. 4780 A.C.' and in the note at the upper left of the folio: 'fragmentum operis Benuenuti de Rambaldis de Imola.')

fol. 266r-267v <Incertus auctor, **Commentaria in Digestum**>, fragmentum (Dig 1.12.1.11-1.15.3)

(Textus) Idem ait et ideo forum suarium sub ipsius cura ... (Finis) idem hic de iuribus dicimus /// ut sententiam Accursii debi/// (There is a Vatican library stamp in the middle of fol. 266r. This fragment is written in a sprawling late 15th- or early 16th-century secretarial cursive and shows extensive reworking by the scribe.)

fol. 268ra-279vb <Incertus auctor, **Repetitio** c. *Si pater*> (Sext. 3.11.1), fragmentum

(Textus) /// dicit tutum esse ita tenendum. Dominus Anthonius tamen concludendo ... (Finis) procedit opinio glosse. Sed si dixerit talis sit michi heres /// (**Bibl.** Sella, 'Nuove sigle' 15 (*Ra. fulgo.* = Raphael Fulgosius fol. 271). There is a Vatican library stamp in the middle of fol. 268rb. The fragment is written in a late 15th-century cursive with some marginal annotations by the scribe.)

fol. 280r-v <Incertus auctor>, **Tractatus brevis de dosibus medicinarum secundum A.C.**

ZZ (Rubrica) Tractatus brevis de dosibus medicinarum secundum A.C. (Textus) Primum fundamentum in dosibus medicinarum attendendum est iuxta gradus ... (Finis) foliis uel floribus et ita de aliis etc. (**Bibl.** Cf. Thorndike-Kibre, *Incipits* 1118 for a similar text by Johannes Cermisonus. The text is written in an English hand. There is a Vatican library stamp on the recto. The leaf is smaller than those on either side, and it has suffered water damage.)

fol. 281ra-va <Incertus auctor, **Opus philosophicum**>, fragmentum

(Textus) ///tempus, ante substantias que seruantur suis sempiternis ... (Finis) unitatem fatiens a/// non adquisitum sicut ostendimus. Finitus sermo. Deo gratias. (The fragment is written in a neat Gothic bookhand with red and blue paragraph marks. The line space at the end of paragraphs are filled with a red decorative pattern. Only part of fol. 281va has text. The rest of the folio is blank. The text is in poor condition on the verso, and the leaf has been repaired. It appears to have been the last leaf of its original MS. There is a Vatican library stamp on the recto.)

fol. 282ra-286rb <Incertus auctor, **Opus theologicum**>, fragmentum
 (Textus) /// extollitur et dignitate /// ocilitate omnibus ... (Finis) quia fortissimus est et robustissimus est. (Fol. 282 is damaged with loss of text at 282ra and 282vb. The incipit is taken from the first complete line at 282ra. The hand is English cursive. The text ends with one line on fol. 286rb. Space remains for capitals. There is a Vatican library stamp on fol. 286rb.)

fol. 287ra-vb <Incertus auctor, **Opus philosophicum**>, fragmentum
 (Textus) /// et apparet quedam genera magis alibi dicitur alba ascendentia et decendentia? ... (Finis) partes diuidendo secundum nature obedienciam et abilitatem et per genera parua /// (The fragment is written in a rough Gothic cursive.)

fol. 288r-v <**Johannes de Lignano, Tractatus de horis canonicis**>, fragmentum
 (Textus) /// preceptum aliter facit quam debet iam non facit ... (Finis) quod dicat septem salmos uel salterium unum /// (**Ed.** TUI 15.2 fol. 558ra-559vb at 559ra-rb. This appears to be a neat copy of an early sans serif type font.)

fol. 289r-366v, 419bis^r-427v (recte // 419bis^r-427v, 294r-354v, //, 363v, 289r-292v, //, 366r- v, 293v, 364r-365v, 355r-362v //) <**Petrus Barbosus, Commentaria in** 1. *De acquirenda vel omittenda hereditate* (Dig. 29.2), imperfecta
 (Textus) /// (fol. 419bis^r) et pro hac sententia Bald. repetitione l. *In suis* n° 58 § de liber. ... (fol. 427v) per testatorem fuit grauatus prout potest l. *Filiusfamilias* 117 (fol. 294r) in primo vers. qui ab intestato (Dig. 30.1.114[117].2) ff. de leg. 1° nam ne id (Dig. 32.1.48) § si fisco (Dig. 36.1.6.3) ... (fol. 289r) In d. l. *Si quis mihi bona* (Dig. 29.2.25) in gl. i. ibi et in alio ... (fol. 366v) ex quo aperte colligitur filio adeunte omnia iura ... (fol. 362v) ad instantiam substituti cum agatur de repellendo substi. /// (**Bibl.** 'Barbosa (Pedro)', *Grande Enciclopédia Portuguesa e Brasileira*, 40 vols. (Lisboa [1935-1960]) 4.198. This is in the late 16th-century cursive that fills the rest of the volume. The whole section is badly misbound, but here, in addition to the misplacement of the earliest part of the surviving text, the remainder is in a very irregular order. The order predicated above is based on the running titles, which generally give the name of the law within the title, and the catchwords. In addition to the text beginning in the middle of the discussion of the rubric, there are lacunae between Dig. 29.2.21 and Dig. 29.2.25 (fol. 354v/363v) and between Dig. 29.2.25 and a more general discussion of Dig. 29.2.35-78 (fol. 292v/366r) which is now incomplete. Because of the obviously missing folios and the blanks left by the scribe, it is difficult to determine exactly what text would be missing. There are large sections of marginalia, often reworking the text, by the scribe. The running titles are composed of 'D. Barbosa' on the left and the name of the law in the title on the right. There is a Vatican library stamp on fol. 289r.)

fol. 367r-379v **A<ntonius> Vazius Cabacus, Commentaria in l. De actionibus empti venditi** (Dig. 19. 1), imperfecta
 (Rubrica) Sequitur titulus De actione empti a D. A. Vaz. In declarationem P. Iulianus § offeri in cod. Quaestio quando que competat efficaciter actio ex empto.

(Textus) Pro introductione huius tituli praesupponendum est quod totus hic tractatus in duas diuiditur partes ... (Finis) non poce (*leg. posse*) expelli propter pactum uel propter legis dispositionem quod /// (**Bibl.** 'Cabaço (António Vaz)'. *Grande Enciclopédia Portuguesa e Brasileira* 40 vols. (Lisboa [1935-1960]) 5.240; Sella, 'Nuove sigle' 7, noting sigla for Petrus Boherius at fol. 371v and Bartholomaeus de Saliceto at fol. 370v. Running titles give the author, 'D. Cabaço', and 'Ad P. Iulianus § offerri tit. act. emp.')

fol. 380r-387r, 424r-418bis^v (*recte* 424r-418bis^v, 380r-387r) <Incertus auctor,

Commentaria in > **tit.** *De libelli oblatione* (X 2.3)

(fol. 424r) (Invocatio) In nomine Domini nostri Iesu Christi amen. (Rubrica) Sequitur titulus de libelli oblatione. (Textus) Huius tituli rubrica cum praecedenti potest hoc modo continuari ... (fol. 418bis^v) in libertate proclamante alter eum seruum suum (fol. 380r) esse dicat, iudex debet cognoscere utrum ex libertate ... (fol. 387r) (Finis) breuissime expedita omnia quae pertinent ad hunc titulum de libelli oblatione. (Colophon) Laus Deo omnipotenti eiusque matri beatissimae uirgini Mariae.

fol. 388r-423r, 428r-437v (*recte* 428r-437v, 388r-423r) <Incertus auctor, **Commentaria in** > **tit.** *De rebus ecclesiae alienandis vel non* (X 3.13), imperfecta

(fol. 428r) (Invocatio) In nomine Domini Iesu Christi amen. (Rubrica) Sequitur titulus De rebus ecclesiae alienandis uel non explicandus anno Domini 1569. (Textus) Rubrica huius tituli cum praecedenti sic potest continuari ... (fol. 437v) Sequitur lex in c. 2 /// qui /// (fol. 388r) c. erit autem lex 4a dist. (D.4 c.2) sic et praescripta consuetudine non debent ... (fol. 423r) (Finis) Bald. in l. iubemus a 1^a C. de sacros. ecclesiis (Cod. 1.2.10) quem sequitur Dom. in 2 c. fin. de immunit. ecclesiarum lib. 6 (Sext. 3.23.2). (Colophon) Laus Deo. Et per haec sunt Deo duce expedita et laetissime explicata omnia quae pertinent ad hunc titulum extra de rebus ecclesiae. (**Bibl.** Sella, 'Nuove sigle' 7, noting the siglum for Petrus Phillippus de Cornia and *Ruinus* at fol. 420v; the later is probably a reference to Carolus Ruinus (Ruini) († 1536). Not only is the text misbound, but at least a quire is missing between the two pieces. Fol. 437v breaks off at the end of the commentary on c. 1 and fol. 388r starts in the middle of c. 5.)

The MS is a composite of fourteen fragments, some as small as a single leaf. The divisions are generally as noted above. The inks vary from gray-brown to black. Catchwords are at the lower right when they exist. Fol. 289-437 are all in the same late 16th-century rough cursive. The slant of the hand and shade of ink vary constantly, suggesting they were written over a considerable period of time. Blank folios and portions of folios appear irregularly, usually with no explanation. As noted above, they are badly misbound. They appear to be a series of *reportationes*, perhaps coming from lectures given at the University of Coimbra during the period when both Pedro Barbosa and Antonio Vaz Cabaço were lecturing there. Cf. Dolezalek, *Verzeichnis 1*, description of Escorial k.II.2 for such a collection. It is possible that the commentaries on X 2.3 and 3.13 are by the same person; the textual openings are nearly identical. It is also possible that fol. 424 is meant to follow directly after fol. 423, the two commentaries being written as a continuum. On fol. 234r-v are various drafts and notes, including part of a letter to a monastery in the diocese of Urgel. Fol. 374v is covered with numbers and *probationes pennae*, the text covering only the bottom third of the page. Watermarks vary with the fragments. The MS has a parchment binding contemporary with the youngest texts among the fragments. Fol. 387v is blank except for the running title 'De libelli oblatione.' <I>-v- <III>v, fol. 46v, 49v, 255v, 262r-v, 263v, 264v, 265v, 286v, 293r, 387v, and 438r-v are blank.

Vat. lat. 7202

saec. XIV

Scr. Jacobus Padulis.

288 fols. memb. 357 (306) x 236 (141) mm, origin France (?). Seniones, saec. XIV.

fol. 1ra-288vb **Monaldus O.F.M., Summa <de casibus conscientiae>**, imperfecta in prin. (See Vat. lat. 2327 fol. 1ra-252va for further information.) *Variants:* (Textus) /// obedientiam et reuerentiam promittere diocesanis episcopis ... (Rubrica epilogi) Finale proemium compendiose editum. (Epilogus) Predictis *pro* Preteritis; ZZ ut cumque *pro* uirisque (fol. 288va) (Colophon) Dedicamus gratias etiam. Amen. (fol. 288vb) Explicit summa conducta a fratre Munaldo secundum ordinem alphabeti. Iacobus presbiter qui uocatur Padulis fecit hoc opus.

The MS is written in the Gothic bookhand of Jacobus Padulis in dark brown ink. The first folio has been torn out, and only a scrap from the bottom, bisecting the Vatican stamp, remains. Major capitals are red and blue with elaborate penwork decoration. Minor capitals are red with violet or blue with red decoration. Rubrics are red. Paragraph signs are red or blue. Catchwords are framed and centered. Prickings are visible along the outside edge of the folios. The MS has a 19th-century leather binding.

Vat. lat. 7213-7218

saec. XVIII (ca. 1722)

Prov. Bernardo Maria Conti O.S.B., card. 1721-30.

6 vols.: 532, 513, 513, 448, 580, 210 fols. chart. ca. 325 (200) x 225 (120) mm., origin Italy (Rome), saec. XVIII (ca. 1722). VGL. M.B. MITTTEILUNGEN

Innocentius III, Registrum annorum V-IX necnon fragmentum anni III

Ed. *Diplomata, chartae, epistolae et alia documenta ...* ediderunt L.G.O. Feudrix de Bréquigny, F.J.G. La Porte du Theil, *Pars altera ... Tomus primus, Innocentii papae III epistolae ...* (Parisiis 1791), from these MSS; more recently O. Hageneder and A. Haidacher, *Die Register Innocenz' III.*, 2 vols. published (Graz-Köln 1964-). **Bibl.** H. Feigl, 'Die Überlieferung der Register Papst Innocenz' III. (Handschriften und Druckausgaben)', *MIÖG* 65 (1957) 242-95, describing these MSS at 255-57 and commenting upon the 1791 edition at 282-90. These MSS are copies of ASV Reg. Vat. 5 and 7, quoted as 'apographum Conti' in the notes of PL 214 and 215 and known as the 'Conti copies' in modern literature because they were commissioned by Bernardo Maria Conti (card. 1721-1730).

Vat. lat. 7213-7217 are written in one clear and even hand by a professional copyist in brown ink. The single 'libri' (years) V-IX gathered in two volumes in the original registers have been separated by the copyist, forming a series of five volumes, the fragment of Liber III added to Reg. Vat. 5 (see Feigl 244 n. 13) being copied in Vat. lat. 7213 fol. 18r-132r (see the introductory note fol. 2r). In the margins are observations from at least two 18th-century hands, including: a) short summaries of the letters; b) occasional corrections of the text; c) complete identifications of decretals (based on the *Liber extra*), and d) occasional indications of biblical or canonical sources of the letters and historical explanations. One of the

annotators seems to have been Domenico Giorgi (1690-1746; see R. Aubert, DHGE 20 [1984] 1450f.), who projected an edition of the Innocentian Registers. These notes left some traces in the apparatus elaborated by La Porte du Theil and reproduced in PL 214 and 215 (see, e.g., PL 214.1027 n. 212 referring to Vat. lat. 7213 fol. 183r).

Vat. lat. 7218 is of slightly smaller size and was written by a different, although contemporary, scribe and may be of different provenance. It contains a carefully organized alphabetical index of recipients of the Innocentian letters, covering not only the parts of the registers transcribed in the preceding volumes, but also *libri* I, II, and X-XVI. This volume still has its original 18th-century binding, whereas Vat. lat. 7213-7217 were rebound in the 19th century.

Vat. lat. 7219-7221

saec. XVIII.1

3 vols.: 513, 272, 393 fols. chart. ca. 325 (200) x 225 (120) mm, origin Italy (Rome), saec. xvii.

Gregorius IX, Registrum annorum I-V

Ed. L. Auvray, *Les registres de Grégoire IX*, 4 vols. (Paris 1896-1955) I col. 1-419. Vat. ZZ 7219 contains *libri* (years) I and II (*ed.* nos. 1-285), 7220 *liber* III (*ed.* nos. 286-409 and 410-431), 7221 *libri* IV and V, ending incomplete in the middle of letter V 75 (*ed.* nos. 432-659).

The MSS are copies of ASV Reg. Vat. 14 and 15. The three volumes are written by the same scribe as the preceding copies of the Innocentian registers. There are no annotations at all. Fragments of former back titles glued in on the first folios respectively indicate that the volumes formed parts XXI, XXII, and XXIII of a previous collection, which may have included Vat. lat. 7213-17. The volumes have 19th-century bindings similar to those of Vat. lat. 7213-7217.

Vat. lat. 7222

saec. IX.1

Scr. magister Baldo, annotator.

490 fols. + 123bis + 322bis memb. 300 (210) x 202 (155) mm, origin Germanic (Salzburg). Quaterniones, saec. IX.1.

fol. 1-483 <**Collectio Dionysio-Hadriana**>, imperfecta (mutil. in prin.) (See Vat. lat. 631 fol. 342ra-406vb for further information.) *Variants*:

(Tabula titulorum canonum) /// XVI. De his qui in pecudes uel in masculos aut olim polluti sunt aut actenus hoc uitio tabescunt (Finis) ZZ anno sexto post consulatum eius anno sexto pro anno sexto. (Colophon) interdictam pro interdicta (**Bibl.** Mordek, *Kirchenrecht* 246; this MS is not listed by either Maassen, *Geschichte* or R. Kottje, 'Einheit und Vielfalt des kirchlichen Lebens in der Karolingerzeit', ZKG 76 (1965) 323-42. The text is incomplete, the preceding table now beginning with the 16th canon of the council of Ancyra and ending at the 35th canon of Africa, see below. The table lists only the canons, not the decretals. The canons begin correctly at pag. 13. Notations have been added in the margins

which are highly similar to those in Reg. lat. 1021.)

PAG 13 (RUBRICA) INCIPIUNT ECCLESIASTICAE REGULAE
SANCTORUM APOSTOLORUM ... (RUBRICA SECUNDA) INCIPIUNT
CANONES APOSTOLORUM DE ORDINATIONE EPISCOPI (TEXTUS)
EPISCOPUS A DUOBUS AUT TRIBUS EPISCOPORUM ORDENATUR...

fol. 483-487 <**Concilium Romanum (732)**>

(Invocatio) In nomine domini Dei saluatoris ... (Textus) Praesedente sanctissimo ac ter beatissimo Gregorio papa secundo iuniore ... (fol. 486) (Finis) anathema sit. Responderunt omnes tertio anathema sit. (Subscriptiones) Et scriptio. Gregorius gratia Dei ... Gemmulus diaconus sanctae sedis apostolicae. (**Ed.** and **Bibl.** O. Günther, 'Kritische Beiträge zu den Akten der römischen Synode vom 12. April 732', NA 16 (1891) 237-49, not using this MS, and see *Liber pontificalis*, ed. Duchesne III (ed. Vogel) 101, rejecting Günther's attempt to attribute the council to Gregory II rather than Gregory III.)

fol. 487-488 <**Magister Baldo (?)**>, **De singulis capitulis quos in canonicis libris invenimus**

(Rubrica) De singulis capitulis quos in canonicis libris inuenimus. (Textus) Vnum capitulum quod reus est de sanguine animarum ... (Finis) magistri sunt cum discipuli antea non fuerunt. (**Ed.** Very similar to 'Dicta sancti Gregorii papae' (omitting the first line of the letter) edited in R. Reynolds, 'The Pseudo-Augustinian "Sermo de conscientia" and the related canonical "Dicta Sancti Gregorii Papae"', RB 81 (1971) 310-17 at 315, and discussed at 313 and n. 2; see also Vat. lat. 4160 fol. 55r-56r.)

fol. 488 <**Pseudo-Gregorius, De xii abusis saeculi sermo**> IST KEIN PROVERBIUM (Textus) Sanctus Gregorius dixit haec: sunt quae in hoc saeculo abusive fiunt ... (Finis) ZZ plebs indisciplinata populus sine lege sic suffocatur iustitia. (**Bibl.** Reynolds, 'The Pseudo-Augustinian "Sermo"' 313 n. 2, identifying this text.)

fol. 488a-490b <**Glossarium**> (Latine et Germanice)

(Rubrica) Incipiunt glosae. (Textus) Praugmaticum: causa. Conibentes: consentientes ... (Finis) circumcelliones: qui e diuersis cellis circumeunt. (**Ed.** partially edited in E. Steinmeyer et al., *Die althochdeutschen Glossen*, 4 vols. (Berlin 1879-1898) IV 321, using this MS, with a short discussion of the text at 611. The glossary is to the preceding canonical collection. The edition cited selects only the glossary entries including German words. In addition to the entries of the primary scribe, there are many additional interlinear entries in another hand.)

Bibl. R. Reynolds, 'Canon law collections in early ninth-century Salzburg', *Proceedings Salamanca* 15-34 at 23 n. 46, 24-25 and nn. 55, 57, und 59, noting the presence of the hand of Magister Baldo and the relationship of this MS to the Collection in 2 books, Vat. lat. 4160, and Reg. lat. 1021, and, at 33, speculating that the missing first folios contained Baldo's *Concordia canonum* present at the beginning of Reg. lat. 1021.

The MS is acephalous, missing at least the outer two leaves of the first quire, which now has only six leaves. If Reynolds is right and it also contained the *Concordia canonum* found in Reg. lat. 1021, q.v., it would also be missing a complete quire in addition to the two leaves. It was written, probably at Salzburg, by several scribes who alternate throughout the MS. It is in a fine Carolingian minuscule with insular traces. The text has been carefully corrected, sometimes extensively, cf. pages 78 und 368. The ink is reddish brown. The running titles are contemporary. Major rubrics, in handsome capitals, are orange or alternating ink and orange when they are more than one line long. Minor rubrics, in the script of the text, are orange. Capitals are usually orange, but those at major divisions are often drawn in ink in rope patterns, sometimes colored with orange and a touch of green. A recent hand has added rough roman numerals on the last verso of each quire. The MS has a late 18th-century leather binding. Pag. 406 is blank with no lacuna resulting.

Vat. lat. 7277	saec. X
-----------------------	----------------

antea Ag VI; 25; 327; S. X. 20; E. 6. 3. **Prov.** Giuseppe Garampi card. 1786-92; J.C. D'Amaduzzi; Costantino Ruggieri (1714-63); Pietro Ottoboni, card. 1652-89, postea Alexander VIII (1689-91); Decio Azzolino, card. 1654-68, Christina, Queen of Sweden (1626-89). **Scr.** J.C. D'Amaduzzi (annotator).
127 fols. + 99a memb. 220 (172) x 128 (100) mm, origin France. Quaterniones, saec. X.

fol. 1v-23v **Lex romana Burgundionum**

(Rubrica) Incipit (*sic*) capitula ('cpla' in calligraphic initials) de lege romanae (*sic*). (fol. 1v-2r) <Tabula, imperfecta> ... (fol. 2r) (Rubrica secunda) De patris uel matris donacione uel munificencia dominorum (Textus) Donacionem quam pater de rebus propriis in filium, filiamue conscripserit ... (Finis) pertinebit in quinto libro Theodosiani lex ista requirenda titulo nono. (Colophon) Explicit lex romana. (**Ed.** MGH LL in 4^o, 1.2, pars 1, ed. L.R. de Salis, pp. 123-63, using this manuscript (siglum A2); see p. 19 for a description. **Bibl.** G. Chevrier and G. Pieri, 'La loi romaine des Bourgondes', *Ius romanum medii aevi* I,2,b, aa, δ (1969), mentioning this manuscript at 11 (- 12) n. 29.)

fol. 23v-125r <**Theodosianus II, Valentinianus III et Maiorianus, Leges novellae**>, imperfectae (Nov. 1 Theod. II in prin.-Nov. 7 Maioriani in prin.)
<Tabula, imperfecta> ... (Rubrica) De Theodosiani codexis auctoretate (*sic*) et de legibus que late sunt post Theodosiano diui Theodosi agusti (*sic*) (fol. 24r) (Textus) /// <dubit>avit, que causa faceret ut tantis prepositis praemiis (*ed.* 3 line 2) ... (Inscriptio legis ultimae) Imperatores Leo et Maiorianus augusti, Basilio prefecto pretorio. (Finis) Curiales neruus (*sic*) esse republice ac ui<scera> (*ed.* 167 line 2) /// (**Ed.** *Theodosiani libri XVI*, ed. T. Mommsen, 2 vols. in 3 (Berolini 1905) 2, using this MS (siglum I); see especially xiii-xvii and xxv-xxviii for a description of the codex. **Bibl.** J. Gaudemet, *La formation du droit séculier et du droit de l'église aux IV^e et V^e siècles* ZZ (Paris 1957) 64-65.)

fol. 125v-127v <**Gaius, Institutiones**, recensio Legis Romanae Visigothorum, excerpta>, imperfecta
(Rubrica) De numero seruorum testamento manumittendorum. Libro primo dicit.

(Textus) Omnes homines aut liberus (*sic*) esse aut seruus. (*sic*) Sed ex his ipsis ... (Finis) que dicta sunt, aliquid fecerint, illis, qui aliena presump<serint> (*ed.* 324 §6 in med.) /// (**Ed.** *Lex romana Visigothorum*, ed. G. Haenel (Leipzig 1848, repr. 1962) 314-18 and 322-24. Included are 1.1-2, 1.8, and 2.1 through §6 in med., following Haenel's chapter numbers.)

Bibl. C. Finch, 'Beneventan writing in codices Vat. lat. 3032, 5951, and 7277', *American Journal of Philology* 87 (1966) 455-57 at 456-57; I.C. Amadutius, *Leges Novellae V anecdotae* (Romae 1767), with a plate of fol. 1v on p. xix.

The codex is written in brown ink in three contemporary Beneventan scripts (fol. 1-97v and 103r in med.-117v; 98r-103r in med.; and 118r-127v). The original scribes made many emendations; a later hand added others, but the text is still very corrupt. Marginal notes can probably be ascribed to the several scholars who used the manuscript in their editions; some are almost certainly by Amaduzzi (see Mommsen xxv-xxviii for a detailed description of the codex and its provenance). The second folio of quire one is missing and with it the last part (c. 15-end) of the table of the *lex romana Burgundionum*; damage to fol. 1 has mutilated the first part of the table. Similarly, because of the loss of the first folio of the fourth quire, only the first rubric remains of the table of Theodosius II's constitutions (the *Novellae* of each emperor are grouped together, each group preceded by its own table), and the first lines of the text itself are missing. The text ends abruptly in the middle of a word in the first sentence of Majorian's seventh constitution; about three-fourths of the folio is blank. Fol. 126-127 are separate sheets stitched together. Headings are written in uncials on a yellow background, capitals have yellow and orange decorations. Fol. 1r has the titles 'Codex Theodosianus' and 'lex romana' in medieval hands, a few jottings (e.g., 'fi. (?) 32 an.5', visible under ultraviolet), and a number of old shelfmarks, some expunged: 'Ag. VI' and the later '327', both from Queen Christina's library; 'S. X. 20' of the Ottoboni Library; and 'E. 6. 3' from Garampi's library. Quires are signed at the lower left of the last versos with large decorated letters. The MS has a 19th-century leather binding.

Vat. lat. 7297	saec. XV.2
-----------------------	-------------------

Prov. Domenico Capranica, card. 1434-58. **Scr.** Johannes de Azel (fol. 460v-462v); Johannes de Vado (fol. 463r-475v).
512 fols. + 293bis + 299-307bis + 373bis in 2 vol. (I = fol. 1-275, II = fol. 276-512)
chart. (memb.: fol. 2) 291 (204) x 191 (115) mm, origin Italy. Seniones, saec. XV.2.

fol. 2r <**Tabula Pontificium malum exitum habentium**>

fol. 3r-22r, 36r-38v **Guillaume Fillastre**, <**Gesta Concilli Constantiensis**, excerpta>
(Textus) In hoc igitur generali concilio Constantiensi in quo agendum fuit ... (fol. 22r) illius regni uel prouinciae (*ed.* 1456B). (fol. 36r) <O>rigo generalis concilii Constantiensis ex Pisano concilio cepit. Cum enim ... (Finis) non sincero animo procederet ad concilium. (**Ed.** Finke, *Acta Concilii Constanciensis* II 16-21, 13-15. **Bibl.** Finke, *Acta Concilii Constanciensis* II 563, 565-66. The first excerpt precedes the *tabula actionum* of the council; the second appears between the preface and the beginning of the acts.)

fol. 24r-30r, 36r, 38v-388r **Concilium Constantiense (1414-1418)** (See Vat. lat. 1335 fol.1r-150r for further information.) *Variants*:
(fol. 36r) (Rubrica) Acta generalis concilii Constantiensis (presidente papa Ioanne

XXIII usquequo et in fine presedit Martinus quintus *add. al. man.*) *praem. ante invocationem primam*; (fol. 38v) (Rubrica) Introitus pape Io<annis> xxiii ad Constantiam *praem. ante invocationem textus* (As opposed to Vat. lat. 1335, the 24th session is listed in the table of contents and is in place. A later hand has added entries to the end of the *tabula actionum* at fol. 30r to reflect the texts added after the council. The first folios of the *acta* have marginal notes on the contents.)

fol. 391r-460v <**Acta processus contra Petrum de Luna antipapam in Concilio Constantiensi**> (See Vat. lat. 1335 fol. 151r-186v for further information.)

Variants:

(Colophon) Deo gracias. Finis add.

fol. 460v-462v **Concilium Senense contra Hussitos (1423)**

(Rubrica) Gesta concilii Senensis. Contra portantes aliquid Boemis. (*sic*). (Textus) Sacrosancta synodus Senensis generalis in Spiritu Sancto legitime congregata ... (fol. 462r) (Finis) contra premissa disponentibus, non obstantibus quibuscumque. Quibus quidem dictis sic ut premittitur lectis et publicatis reuerendissimus in Christo pater et dominus dominus Alfonsus sancte Romane ecclesie Sancti Eustachii dyaconus cardinalis ... Super quibus omnibus et singulis ... Presentibus ibidem ... testibus ad premissa specialiter uocatis et rogatis. <Subscriptions> ... (fol. 462v) Et ego Johannes de Azel ... rogatus publicaui in fidem premissorum. (**Ed.** Mansi 28.1060-63, but lacking the attestations and subscriptions.)

fol. 463r-475v **Martinus <V, Bulla> Inter cunctas**

(Inscriptio) <M>artinus episcopus seruus seruorum Dei uenerabilibus fratribus ... (Textus) Inter cunctas pastoralis (*add. marg. al. man.*) cure sollicitudines ... (Finis) in uestris litteris habenda sit mentio specialis. Datum Constancie viii kalendas marcii pontificatus nostri anno primo. (Colophon) Duplicata de curia. Iohannes Symonis. (Subscriptio) Auscultata est per me Stephanum Garnerii litterarum apostolicarum scriptorem et auscultatorem et concordat cum originali bulla preter quam in iudiciis. Et per me Iohannem de Vado earundem litterarum scriptorem et abbreviatorem et concordat ut supra. (**Ed.** Mansi 27.1204-15, but here addressing the bull to eleven individual archbishops rather than the more general address in the edition.)

fol. 477r-512r <**Tractationes inter Hussitos et Catholicos**>

(Rubrica) Que acta fuerunt et facta esse dicuntur usque ad presentem diem per sacrum concilium et suos ambasiatores cum Bohemis presenti modica relatione comprehensa uidentur. (Invocatio) In nomine domini et saluatoris Ihesu Christi. (Textus) Reuerendissimi ac reuerendi in Christo patres ceterique uenerabiles patres et domini magna in ueneratione colendi neminem uestrum arbitror ... (Finis) tamquam traditores regni istius etc.

Bibl. Finke, *Acta Concilii Constanciensis* IV xxiii, with a short description of this MS, identifying it as belonging to Cardinal Capranica; ZZ Antonovics, 'Capranica' 154 n. 89;

C.M.D. Crowder, "Constance Acta in English Libraries", *Das Konzil von Konstanz: Beiträge zu seiner Geschichte und Theologie. Festschrift ... Dr. Hermann Schaufele*, ed. A. Franzen and W. Müller (Freiburg i.B. 1964) 477-517 at 494-95, noting that the peculiar organization and contents of this MS are identical to Oxford MS Bodleian e Museo 25.

The MS was written in varying 15th-century bookhands, with changes of hand occurring with each added text after fol. 460. All are in varying shades of brown ink. Some of the scribes decorate opening capitals, but there is no color. The MS has several folio numerations. The recent system in pencil is followed here. Fol. 1r is a 15th-century title page: 'De concilio Constantiensi/// reformatione ecclesie'. Fol. 1v has a brief note in a 15th-century hand on the contents of the volume. Catchwords are generally centered. For watermarks, cf. Briquet nos. 2776, 6592, 15050, 3868, and 11694. The MS is presently bound in two volumes, both of which have late 19th-century parchment binding. Fol. 2v, 17v, 22v-23v, 30v-35v, 352v-353r, 368r-372v, 388v-390v, 476r-v, 490v, 499r-500v, 501v-502v, and 512v are blank.

Vat. lat. 7304	saec. XV
-----------------------	-----------------

Prov. Domenico Capranica, card. 1426-1458. **Scr.** Johannes Dorenborch (fol. 150r-242v).
242 fols. + <I> memb. 310 (197; 203) x 220 (130; 138) mm, origin Italy (Florence) (fol. 150r-242v). Quiniones, saec. XV (1442) (fol. 150r-242v).

fol. 2r-6r <**Eugenius episcopus Carthaginensis**>, **Liber fidei catholicae**
(Textus) Regali imperio fidei catholice quam tenemus, precipimur (precipimus cod. ed.) reddere rationem ... (Finis) usque ad (in cod.) finem uite huius confidimus et speramus. (Colophon) Explicit libellus directus sub die xii^o (Directa xii^o cod.) kalendarum maiarum per Ianuarius Zattarensem (Zatterensem cod.) Villaticum a Casis Medianis episcopos Numidie, et Bonifatium Foratianensem, et Bonifatium Gratianensem prouinciae Byzacena (episcopis Numidie, Bonifatio Foracianense et Bonifatio Gratianense Gazanense ES SOLLTE SEIN: ... FORACIANENSI ... GARZANIENSI; ALSO HIER MIT (sic) ABER IN DER EDITION PER; ALSO DER FALL IST RICHTIG episcopis Bazarensis cod.).
(**Ed.** MGH Auct. Antiq. 3.1, ed C. Halm, p. 26-39, where it is edited as an integral part of *Victoris Vitensis Historia*. The variants are the same as those of Halm's MS 'R', except the last name, which he does not list. **Bibl.** P. Godet, 'Eugène (Saint)', *Dictionnaire de théologie catholique*, 16 vols. in 33 (Paris 1908-72) 5.2, 1496-97.)

fol. 6v-9r <**Pseudo-Augustinus episcopus Hipponensis**>, **Altercatio Augustini cum Pascentio**
(Rubrica) Incipit liber disceptationum sancti Augustini episcopi aduersum comitem ZZ Pascentium Arrianum presente Laurentio u c iudice ab utrisque partibus electo. (Textus) Laurentius uir clarissimus (nunc *pro* uir clarissimus cod.) partibus et personis in communis positus dixit ... (Finis) honorifice unitati, ne fiat iniuria (inuisa cod.) [tener] temere Trinitati. Amen. Explicit. (**Ed.** PL 33.1158-64.)

fol. 9r-149v <**Concilium Nicaenum II**> (787), imperfectum (See Vat. lat. 1330 fol. 1r-274r for further information.) *Variants:*
(Inscriptio) domno *pro* domino (Praefatio) decessori (decessores^{ac}) *pro* decessore
(fol. 12v) (Acta) (Rubrica) Aniceam *pro* Niceam (**Ed.** The MGH edition of the *epistola dedicatoria* uses this MS: siglum C.)

fol. 150ra-242vb (*rectius* fol. 150ra-169, 171-170, 172-73, 175-74, 176-242vb)
<**Concilium Constantinopolitanum IV**> (869) (See Vat. lat. 1332 fol. 1r-177r for further information.) *Variants:*
(Rubrica) Causa et prefacio celebrate octaue sinodi historice deprompta.
(Colophon) Et sic est finis huius octaue synodi scripte per me Iohannem Dorenborch clericum Monasteriensis diocesis, et complete Florentie in domo reuerendissimi patris et domini mei domini D<ominici> Sancte Marie in Via Lata sacrosancte Romane ecclesie diaconi cardinalis Firmanii uulgariter nuncupati, sub anno a natiuitate Domini Mccccxli^o, die xx^{ma} mensis februarii, pontificatus sanctissimi in Christo patris et domini nostri domini Eugenii diuina prouidentia pape quarti anno undecimo. (**Ed.** The MGH edition of Anastasius's preface uses this MS (siglum V2). **Bibl.** For the scribe Johannes Dorenborch, see Benedictins du Bouveret, *Colophons* 3 258-59; Miethke, 'Schriften des Juan González' 298ff. and printing the colophon at n. 80.)

fol. 150ra-242vb, passim <**Anastasius Bibliothecarius, Glossae ad Concilium Constantinopolitanum IV**> (869)
(**Ed.** C. Leonardi, 'Anastasio Bibliotecario e l'ottavo concilio ecumenico', *Studi medievali*, ser. 3, 8.1 (1987) 163-82, using this MS: siglum C.)

fol. 150ra-242vb, passim <Incertus auctor, **Glossae ad Concilium Constantinopolitanum IV**> (869)
(**Bibl.** Leonardi, 'Anastasio' at 113.)

Bibl. Leonardi, 'Anastasio' at 149-50 for a description of this MS.

The codex is formed of two separate MSS. The first part (fol. 1-149) was written by a transalpine scribe in black ink. The scribe wrote the glosses and notabilia. Illuminated initials are in blue on gold and colors. On the first 11 folios capitals are red or blue, decorated in the contrasting color. Rubrics are usually red. The second part (fol. 150-242) was written by Johannes Dorenborch using a Roman round script in black ink. Illuminated initials are in various colors on a gold background. Capitals are red with violet Italianate decoration or blue with red. Rubrics are usually red. In the first part the catchwords are centered; in the second they are vertical on the inner margin line. Fol. 1r has an 18th-century table of contents listing the complete contents of the composite volume. The same annotator added folio numbers on the first and last folio of each quire. In the first part, an earlier alphanumeric foliation is by the scribe. The modern stamped foliation, followed here, is on the lower right corner. The codex has a 19th-century leather binding. Fol. 1v is blank.

Vat. lat. 7305	saec. XV
-----------------------	-----------------

<IV> + 377 fols. – 202 chart 291 (183) x 211 (120) mm, origin Italy. Quiniones, saec. XV.

fol. 1r-3r <**Tabula operum**>

fol. 5r-7r, 40v-43r, 44v-46v, 49v-78v, 85r-100v [passim], 100v-115v, 172v-252r, 260r-264v, 268r-309v, 311v-377r <Auctores varii, **Opera polemica**>: Antonius de Butrio, ZZ Consilium de schismate, imperfectum (fol. 325v-329r [Ed. Paulus Castrensis, *Consilia* I fol. 214ra-215ra to 214vb]); Antonius Luschus, De modo tenendi ZZ concilium ad Petrum de Candia (fol. 44v-46r fol. 46v **KEIN ENDE**); Pseudo-Bonifacius VIII, Professio fidei (fol. 5r-6r [Ed. Finke, *Acta concilii Constanciensis* II 616-18. **Bibl.** J. Lulvès, 'Die Entstehung der angeblichen Professio fidei Papst Bonifaz' VIII.', *MIÖG* 31 (1910) 375-91 at 379, 386-87, 391]); Bononiensis Universitas, Conclusiones de schismate, imperfectae (fol. 357r-358v [Ed. Mansi 27.219-21, 221 n. a, 221-22, 222 n. b, lacking the first five lines on 219], *perfectius* fol. 375v-377r); **VGL: BRIEF GIRGENSOHN VOM 1. 8. 1990**, Henricus de Langenstein, Epistola pacis (fol. 214v-234v [Ed. *Johannis Gersonis Opera*, ed. Ellies du Pin, 5 vols. (Antwerpiae 1706) II 809-40. **Bibl.** T. Hohmann, 'Initienregister der Werke Heinrichs von Langenstein', *Traditio* 32 (1976) 399-426 at 419 no. 231]); Johannes de Capitaneis, ab. Montis Oliveti, Epistola ad Gregorium XII (fol. 100v-115v [Milan, 29 iun. 1408]); Johannes Dominici O.P., Abusiones (fol. 49v-51v [Ed. Vincke, *Schriftstücke* 40-54 no. 6, using this MS], fol. 51v-53r [Ed. Vincke, *Schriftstücke* 75-86 no. 13, using this MS]), Epistola Michaelis archangeli (fol. 263r-264v); Johannes de Imola, Tractatus de schismate (fol. 337v-353r [Ed. D. Staffa, 'Tractatus Iohannis ab Imola super schismate occidentis', *RSCI* 7 (1953) 181-224 at 190-224]); Johannes Gundisalvi, Responsiones super quatuor quaestionibus propositis ab archiepiscopo Hispalensi circa papam et concilium (fol. 288r-309v); Jordanus de Ursinis, Glossae in Abusiones Johannis Dominici (fol. 53v-57v [Ed. Vincke, *Schriftstücke* 41-55 no. 7, using this MS], fol. 57v-61r [Ed. Vincke, *Schriftstücke* 77-88 no. 14, using this MS]); Matthaeus de Mathesillanis, Consilium de schismate cum subscriptione Johannis de Cannetulo (fol. 323r-325v [Ed. Paulus Castrensis, *Consilia* I fol. 215ra-va]); Nicolaus de Bittonio O.F.M., Tractatus de schismate (fol. 189v-201r [**Bibl.** Vincke, 'Magister Theologiae' 178-206]); Nicolaus de Fakenham O.F.M., Determinatio de schismate (fol. 172v-189v [Ed. F. Bliemetzrieder, 'Traktat des Minoritenprovinzials von England Fr. Nikolaus de Fakenham (1395) über das grosse Abenländische Schisma', *Archivum Franciscanum Historicum* 1 (1908) 577-600, 2 (1909) 79-91, using this MS: siglum V1]); Parisiensis Universitas, Conclusiones (fol. 251v-252r [Ed. Baronius. *Annales* an. 1408 §40 (ed. Theiner 27.213)]); Paulus de Castro, Consilium de schismate (fol. 318r-320v [Ed. Vincke, *Schriftstücke* 29-30 no. 2, using this MS; Paulus Castrensis, *Consilia* I fol. 213rb-214ra]); Petrus de Alliaco et Johannes Gerson, Epistola ad Gregorium XII (fol. 40v-41r [Genoa, 15 sept.; **Ed.** and **Bibl.** Jean Gerson, *Oeuvres complètes* II 84-86 no. 22.1]); Petrus de Alliaco, Decem considerationes circa concordatum Massiliae (fol. 41r-43r [**Bibl.** Glorieux, 'L'oeuvre d'Ailly' 73]), Epistola Satani (fol. 262r-263r [Ed. C.G.F. Walch,

Monumenta Medii Aevi 2 vols. (Göttingen 1757-64. anast. repr. Ridgewood. N.J. 1966) I 253-60]); Petrus de Ancharano, Consilium de schismate (fol. 311v-317r [Ed. Petrus de Ancharano, *Consilia* fol. 24vb- 25rb]); Robertus de Francola, Tractatus de schismate (fol. 268r-288r [Ed. Martène et Durand, *Thesaurus* II 1428-32, c. 1 only]); Incerti auctores, Apparatus in Professionem fidei Bonifacii VIII (fol. 6r-7r [Ed. Finke, *Acta concilii Constanciensis* II 682-88, using this MS: siglum A]); Glossae in Abusiones Johannis Dominici (fol. 61r-69r [Ed. Vincke, *Schriftstücke* 55-69 no. 8, using this MS] oder ; , fol. 69v-78v [Ed. Vincke, *Schriftstücke* 88-104 no. 15, using this MS]); Glossae in Epistolam Dominus et Salvator (fol. 86r-87r, 87v-88v, 89r-91r, 91v-92v, 93r-96r, 97r-98r, 98v-100v); Somnium Pantasii Lesicani (fol. 201r-215v); Quaestio super opinione episcopi Ragusini (fol. 159rb-169rb); Consilia de schismate (fol. 317r-v [Ed. Vincke, *Schriftstücke* 32-34 no. 4. using this MS] ZZ, fol. 320v-323r [Ed. Vincke, *Schriftstücke* 34-39 no. 5. using this MS], fol. 330r-336v, 356r-357r, 358v-362r, 362r-366v ODER 363r ZZ ; Considerationes de schismate, imperfectae (fol. 329r-330r [Ed. Vincke, *Schriftstücke* 134-41 no. 221]); Conclusiones de schismate (fol. 336v-337v); Tractatus de schismate, imperfectus (fol. 353v-356r), Tractatus de schismate (fol. 367r-375v).

WIE IST ES MIT DEN ORTSNAMEN - LAT: ODER NICHT?

fol. 7r-40v, 43r-44v, 46v-49v, 78v-85r, 85r-100v [passim], 115v-133v, 250r-252r
 <Auctores varii, **Acta de schismate**>: Antonius de Cajetanis, Epistola ad Carolum Malatesta (fol. 130v-131v [Pisa, 26 novem. 1408; Ed. D. Girgensohn, 'Kardinal Antonio Caetani und Gregor XII. in den Jahren 1406-1408: vom Papstmacher zum Papstgegner', QF 64 (1984) 116-226 at 221-26, using this MS: siglum F]); Benedictus XIII, Epistolae (fol. 7v-9v [20 iun. 1395], fol. 9v-10r [28 iun.], fol. 10r-v, 10v-11v, 25r-26v [Ed. Mansi 26.1014-16], fol. 46v-49r [Portovenere, 15 iun.; Ed. Mansi 26.1103-09], fol. 49r-v [15 iul.; Ed. Mansi 26.1110-11], fol. 132r-133v [Ed. Mansi 26.1119-22]); Bononienses doctores, Epistola (fol. 120v-122r); Carolus VI rex Francorum, Epistolae (fol. 16r-17v [Paris, 12 ian. 1407], fol. 17v-18r [Paris, 12 ian. 1407], fol. 18r-v [Paris, 12 ian.ZZ]), Requesta regis Francorum et ducum (fol. 7v); Collegium Avinionense cardinalium, Epistolae (fol. 34v-35r [Villeneuve d'Avignon, 16 iul.], fol. 80v-84r [1408, Ed. Mansi 26.1161-631 ZZ]), Capitula in conclavi post mortem Clementis VII (fol. 7r-v [Ed. Souchon, *Papstwahlen* I 298-99]); Collegium Romanum cardinalium, Capitula in conclavi post mortem Bonifacii IX (fol. 11v-13r [Ed. Souchon, *Papstwahlen* I 280-84]), Capitula in conclavi post mortem Innocentii VII (fol. 13r-15r [Ed. Souchon, *Papstwahlen* I 287-92]); ZZ Collegium unitum cardinalium, Epistolae (fol. 78v-80v [Livorno, 14 iul. 1408], fol. 84r-85r, 85r-87r, 87r-88v, 89r, WOHL KEIN ENDE 89r-91r 91v-92v, 93r-96v; 96v-97r, 97r-98r, 98r-v [Ed. Mansi 27.50-56], 117v-120v [Pisa, 24 sept. 1408; Ed. Mansi 26.1175-79], fol. 115v-116v [Siena, 1 aug.]), Responsiones ad oratores Venetorum et Florentinorum (fol. 122r-125r [Ed. Martène et Durand, *Thesaurus* II 1411-19], fol. 126v-130v), Responsio ad rationes Gregorii XII (fol. 125r-126v [5 oct. 1408]), Declaratio facta marchioni Montis Ferrati (fol. 250r-251v); Gregorius XII, Epistolae (fol. 15r-16r [Ed. Mansi 26.1013-14], fol. 35r-v [Ed. Martène et Durand, *Veterum scriptorum ... collectio* VII 754-55]), Refutatio concordati

Massiliae (fol. 35v-40v); Ianuensis communis, Instrumenta diplomatica de concordato Massiliae (fol. 26v-34r [Ed. Baronius, *Annales* an. 1407 §4 (ed. Theiner 27.164-66, partial edition)]); Oratores Avinionenses, Oblatio (fol. 43r-44v [Ed. Vincke, *Schriftstücke* 70-72 no. 10]); Parisiensis Universitas, Advisamentum concilio Parisiensi, imperfectum (fol. 18v-25r [Ed. Martène et Durand, *Thesaurus* II 1398-40, the MS lacking the last paragraph]), Requestae factae Carolo VI regi Francorum (fol. 252r).

fol. 133v-155v <**Concilium Pisanum (1409), Acta contra Gregorium XII et Benedictum XIII**> (See Vat. lat. 4000 fol. 96ra-107rb for further information.)

fol. 156r-163v <Incertus auctor, **Sermo in concilio Pisano**> (See Vat. lat. 4000 fol. 107rb- 119rb for further information.) *Variants:*
(Textus) euuangelico *pro* euangelica.

fol. 163v-172v **Johannes Luke, Sermo in concilio Pisano** (See Vat. lat. 4000 fol. 112vb-119rb for further information.) *Variants:*
(Textus) concilio *pro* consilio (**Bibl.** M. Harvey, 'A sermon of John Luke on the ending of the Great Schism, 1409', *Studies in church history* 9 (1972) 159-69, printing excerpts.)

fol. 252v-257v <Incertus auctor, **Nomina participantium in concilio Constantiensi**>

fol. 258r-259v <Incertus auctor, **Epistola consolatoria de morte magistri Marsilii**>
(See Vat. lat. 4000 fol. 173rb-174ra for further information.)

fol. 259v-260r <Incertus auctor, **Tractatulus de gratiarum actione**> (See Vat. lat. 4000 fol. 174ra-va for further information.)

fol. 260r-262r **Johannes de Cascina <O.P., Sermo de gratiarum actione>** (See Vat. lat. 4000 fol. 260r-262r for further information.)

fol. 310r-311v <Incertus auctor>, **Genealogia ducum Mediolani** (See Vat. lat. 4000 fol. 201va-202rb for further information.)

Bibl. R.N. Swanson, *Universities, Academics and the Great Schism* (Cambridge 1979) 224.

The MS is written in a late Gothic cursive in black ink that has faded to gray. In addition to the separately annotated pieces, the general *opera polemica* and *acta de schismate* also mirror the contents of Vat. lat. 4000. Catchwords are next to the inner margin. Fol. 49v-51v were miscopied; the correct order is: fol. 49v-50r, 51r, 50v, and 51v. Fol. 238 belongs between fol. 233 and 234. In the old numeration, which begins on the present fol. 5r, the present 233 is 227 and the present 238 is 228. The stamped numeration errs, skipping from 201 to 203 without any break in the text. A note at the top of fol. 353v has been mutilated by trimming. For the watermarks, cf. Briquet no. 15814. The MS has a 19th-century leather binding. Fol. 3v-4v and 265r-267v are blank.

Vat. lat. 7316	saec. XVmed.
-----------------------	---------------------

Prov. Domenico Capranica, card. 1426-58.

V + 304 fols. chart 340 (215) x 230 (125) mm, origin Italy. Quiniones, saec. XVmed.

ZZ <I>r-<V>r <**Tabula codicis**>

(The table is in two hands, the first copies (in red ink) the parts of the tract of Johannes Leonis; the second, the fourth hand of the rest of the volume, lists the rest of the contents.)

fol. 1r-1x^r, cxxxi^r-cxxxv^v, cxxxvii^r-ccciiii^v <Auctores varii, **Opera polemica**>: Johannes Leonis O.P., De synodis et ecclesiastica potestate (fol. 1r-1x^r [**Bibl.** Kaeppli, *Scriptores* II 469 no. 4728]); Petrus Lutra, Tractatus contra Michaellem de Cesena (fol. cxxxi^r-cxxxv^v [**Ed.** R. Scholz, *Unbekannte kirchenpolitische Streitschriften aus der Zeit Ludwigs des Bayern (1327-1354)*, 2 vols. (Rom 1914, anast. repr. Turin 1971) II 29-42, from this MS]); incertus auctor, Cronica gestorum Johannis papae XXII contra opinionem Fraticellorum (fol. cxxxvii^r-ccciiii^v).

fol. lxi^r-cxxxiii^v **Concilium Florentinum (1438-1445)**, <Acta> (See Vat. lat. 4128 fol. 43ra- 85va for further information.) *Variants*:

(Datum) beate *pro* sancte (The opening initial at fol. lxi^r has been incorrectly filled in as a 'Q' rather than an 'I'.)

Bibl. H.S. Offler, 'Zum Verfasser der 'Allegationes de potestate imperiali' (1338)', DA 42 (1986) 555-619 at 568 n. 56, noting that Vat. lat. 4128 is a copy of this MS; Miethke, 'Schriften des Juan González' 286(-87) n. 35, on the relationship to Vat. lat. 4128, and 289 n. 40, discussing the fourth scribe of this volume.

The MS was written by four scribes: 1) fol. 1r-1x^r; 2) fol. lxi^r-lxxxii^v; 3) fol. lxxxiii^r-cxxxiii^v; 4) fol. cxxxi^r-ccciiii^v. The first is a neat *puntillo*, the second a fine cursive bookhand. The third is a small hurried cursive; the fourth is a fine Italian bookhand with flourishes. The ink throughout is light brown. Capitals opening the major works are blue on red with fleur ornée on fol. 1r and blue on fol. lxi^r. Other capitals alternate red and blue. In the lower margin of fol. 1r is the coat of arms of Domenico Capranica between two stylized floral bouquets. Fol. 1-3 are numbered in arabics, the rest in romans, fol. lxi-lxxxii are separately numbered in arabics 1-20. FOL LXI HAT "8" 9 IST LXIX LXX- n LXXI HAT 9 und 11 LXXX LXXXI HAT 21 UND 10 ES IST ABER EHER EIN VERSUCH DIE BLÄTTER ZU NUMERIEN Each scribe places catchwords in a different area: the first against the binding, the second and third centered, and the fourth off center with penwork decoration. A modern hand has numbered the quires in arabic on the first recto next to the foliation. For watermarks, cf. Briquet nos. 11662 and 11663, and Piccard nos. 1584-1608, among others. The MS has a red leather binding with the arms of Gregory XVI on the spine. <V>v, fols. lx^v, cxxv^r-cxxx^v, cxxxvi^{r-v} are blank.

Vat. lat. 7331	saec. XVmed.
-----------------------	---------------------

antea S Se. VII n° 4.

154 fols. memb. (chart.: fol. 1) 158 (105) x 114 (83) mm, origin central Italy. Seniones, saec.

XVmed.

fol. 2r **Nicolaus de Ausimo O.F.M., Supplementum <Summae Bartolomaei de Sancto Concordio>**

(Rubrica) Hoc supplemento clericus 4^o (*sic*) frater Nicolaus de Ausmo (*sic*).

(Textus) Vtrum alias liceat a fornicario recipere sacramenta habetur infra
Ordinatus i § iii ... (Vtrum autem a fornicario liceat accipere sacramenta *ed.*) ...

(Finis) nec eis quomodolibet suffragari. (**Ed.** Nicolaus de Ausimo, *Supplementum summae Pisanellae* (Venetiis 1474) fol. [28]ra-rb. This excerpt is accompanied at fol. 2r-v by several brief legal notes.)

fol. 3ra-107rb **Antoninus de Florentia O.P. (s.), Tractatus de censuris ecclesiasticis, sive Summa theologica**, excerptum (Pars III tit. 24-tit. 29 c.1)

(Rubrica) Incipit prologus in quarta parte summe reuerendi patris domini Antonini de Florentia archiepiscopi sacri ordinis predicatorum de materia excommunicationis siue de censura ecclesiastica. (Praefatio) Excommunicacio dicitur exclusio (scilicet *add. ed.*) a communione. Sicut autem est triplex communio fidelium ... (fol. 3va) (Rubrica textus) Explicit prologus.

Excommunicatio contra inicientes manus uiolentas in personas ecclesiasticas. Capitulum primum. (Textus) 'Si quis suadente dyabolo huiusmodi (huius *cod.*) sacrilegii uicium uel crimen' ... Ino. 2^{us} 17 q.4 (C.17 q.4 c.29). Super hoc decreto sunt 5 notanda ... (fol. 105rb) (Finis) anathematizatus idest a Deo separatus ut 24 (23 *cod.*) q.3 Certum (C.24 q.3 c.9). (*Colophon sic*) Explicit tractatus de censuris ecclesiasticis etc. (fol. 105rb-107rb) <Tabula tractati> ... (fol. 107rb) (Finis) habes supra (*infra cod.*) in tercia parte titulo de iudiciis (Pars III tit. 9). (**Ed.** *Antoninus, Summa theologica* (Veronae 1760) III col. 1295-1477. **Bibl.** Kaeppli, *Scriptores* I 91 no. 253; R. Morçay, *Saint Antonin* (Tour/Paris [1914]) 408 and 415.)

fol. 107rb-154ra <Incertus auctor, **Interrogatorium**> (See Vat. lat. 5608 fol. 1r-63r for further information.) *Variants*:

(Rubrica) Videlicet *om.* (Finis) auctoritatem cir<ca> ceteros extra de procurationib<us> (*sic*) (Sext. 1.19.4). Hec ibi. (*Colophon*) Deo gratias. Amen. Amen. Opere finito sit laus et gloria <Christo>. *τελοδ.*

fol. 154vb <Incertus auctor, **Adnotationes de censuris ecclesiasticis**>, mutilae
(One of these notes was derived from a work of St. Bonaventure. The original fol. 154 was torn in half, bisecting a Vatican Library stamp. Besides mutilating these notes, the tear also removed a few letters on the right edge of fol. 154ra.)

Bibl. S. Orlandi, *Bibliografia antoniniana* (Città del Vaticano 1961) 63-64.

The MS is written in two late Gothic bookhands in black ink: fol. 3ra-107rb and 107rb-154ra. The excerpt at fol. 2r AUCH 2v BETRFEENDEN EXCOMMUNICATIO and the mutilated notes at fol. 154vb are in a humanistic Italic cursive bookhand. The written numeration begins two folia after the stamped numeration followed here. Fol. 1r is a title page. Rubrics are red. Capitals are red with violet and blue with red decoration. Paragraph signs are red or blue. Besides the predominant senions, fol. 14-21 is a quaternion.

Catchwords are arranged in the form of a cross at lower right. The edges of the MS are red with green flecks. The MS has an old parchment binding, which may be the original, with the old shelf mark, 'S Se. VII n° 4' on the spine. Fol. 1v is blank.

Vat. lat. 7332	saec. XIV.1
-----------------------	--------------------

<I> +146 fols. memb. 267 (184) x 191 (123) mm, origin France (Paris). Quiniones, saec. XIV. 1.

fol. 1ra-8ra **Thomas Capuanus, Ars dictandi**

<Tabula rubricarum> ... (fol. 1va) (Rubrica) In hoc prohemio reprehenduntur illi, qui precipitant sententias et confundunt iudicium, ponentes lucem tenebras et tenebras ipsam lucem. (fol. 1vb) (Textus) Iuste iudicate, filii hominum, et nolite iudicare secundum faciem ... (Finis) digne transmitti posteritatem, nemo dubitet sapientum. (Colophon) Hic finitur ars dictandi. (**Ed.** and **Bibl.** E. Heller, 'Die Ars dictandi des Thomas von Capua', SB Akad. Heidelberg 19 (1928-29) 4. Abh., with a critical edition at 10-44.)

fol. 8ra-146rb **Thomas Capuanus, Summa dictaminis**

<Tabula capitulorum primae partis> ... (fol. 10ra) (Rubrica) ZZ VORHER INCIPIUNT XXX Incipiunt epistole prime partis dominus papa scribit conuitiose increpationes ad imperatorem ... ecclesiis conquiescat. Rubrica. (Textus) Miranda tuis sensibus nostra uenit epistola (JL 7581; ed. Mansi 23.91 *male tribuit Gregorio IX*) ... (Finis) discreti uiri decanus et capitulum abordense die ad eligendum prefixa conuenientes in unum de etc. (Colophon) Explicit summa dictaminis magistri Thome de Capua cardinalis Deo gracias. Qui scripsit scribat et longo tempore uiuat. Amen. (**Ed.** and **Bibl.** Although not edited as an entity, many of the letters have been separately edited, the largest selection of which is in E. Heller, 'Der kuriale Geschäftsgang in den Briefen des Thomas von Capua', *Archiv für Urkundenforschung* 13 (1935) 198-318, editing 126 non-papal pieces; eadem, 'Die Ars dictandi des Thomas von Capua', SB Akad. Heidelberg 19 (1928-29) 4. Abh. ZZ; H.M. Schaller, 'Zur Entstehung der sogenannten Briefsammlung des Petrus de Vineia', DA 12 (1956) 114-59 at 142-47; idem, 'Studien zur Briefsammlung des Kardinals Thomas von Capua', DA 21 (1965) 371-518, discussing previous scholarship and listing the various partial editions at 394-99, and discussing this MS, a copy of the 10-book redaction, his no. 55, at 468-518 passim, esp. 478, 488, and 491.)

The MS is written by a single scribe, using medium brown ink, in a formal Gothic bookhand. Occasionally he extends a letter into the upper margin and decorates it with exaggerated penwork which may overshadow the preceding colored capital. The text has been corrected by the scribe and at least one other hand. A later hand numbered the entries in the tables and matching letters in each section. Another hand added short running titles composed of 'pars' and a Roman numeral. There is a large red and blue initial decorated with elaborate penwork on fol. 1ra. Other capitals are blue with red or red with violet penwork decoration. The paragraph signs on fol. 1ra-va alternate red and blue, rubrics are red. The same hand that numbered the tables and letters may have added the foliation in Roman numerals; that foliation has two errors, skipping from lix to lxx and from cxviii to cxx. A modern hand has numbered fols. 1 and 146, plus

every tenth folio; foliation in this description is extrapolated from that numeration. Immediately below the end of the text at fol. 146rb is a long *notabilium* on *ars dictandi* referring to Guido de Faba. Catchwords, framed and often decorated, are against the inner margin line. Pecia marks are visible throughout. Tears in the parchment have been repaired with thread. The MS has an 18th-century non-papal parchment binding with ties. <I>r-v and fol. 146v are blank.

Vat. lat. 7593	saec. XV (1460-1462)
-----------------------	-----------------------------

<I> + 342 fols. + 98bis, 296bis, 338a chart. 341 (226) x 232 (145) mm, origin Italy (Perugia). Quiniones, saec. XV (1460-1462).

<I>r-v <**Graduale cum neumis**>, fragmentum

(**Bibl.** *Manuscripts liturgiques*, ed. Salmon II 537. This leaf was written in Italy in the 15th-century.)

fol. 1ra-81rb **Petrus Philippus de Corneo, Recollectae <in Codicem>** (Cod. 6.9.1-6.21.18)

(fol. 1r) (Invocatio) Yhesus. (Rubrica) Incipiunt recollecte famosissimi in toto orbe doctoris domini Periphilippi (*sic*) de Cornia preceptoris mei singularissimi anno 14LX. (fol. 1ra) Rubrica. Qui admicti ad bonorum possessionem. (Textus) In glossa rubrice in principio hanc continuationem secuntur Ci. et Bar. ... (fol. 2va) (Lemma primum) l. *Bonorum*: Filius familie ignorante patre potest agnoscere bonorum possessionem sibi delatam ... (fol. 81ra) (Lemma ultimum) <*Licet*>: ... (fol. 81rb) (Finis) in quibus non requiritur ordo sacer et per consequens cessat ratio dictarum [et] clementinarum. (Colophon) Sequitur rubrica qui testamentum facere possunt. Sequitur rubrica domini Mansueri super titulo de testamento militis. (**Bibl.** Diplovatatus, *De claris iuris consultis* 407-08; M. Ascheri, *Saggi sul Diplovatazio* (Milano 1971) 13, listing editions.)

fol. 81v <Incertus auctor, **Casus de ius dicente**>

(Rubrica, *al. man.*) Quibus in casibus a semetipso ius sibi dicere liceat. (Textus) Isti sunt casus in quibus quis potest sibi ius dicere sine iudicis auctoritate. Et primus est in hereticis ... (Finis) 33 est in l. i § Vim (*sic*) fluminis ff. de fluminibus (Dig. 43.12.1.2?) etc.

fol. 84ra-99vb <**Mansuerius de Mansueriis, Repetitio tit. De testamento militis**> (Cod. 6.21), imperfecta

ZZ /// uide in l. *Respiciendum* (*sic*) § delinquant (*sic*) ff. de penis (Dig. 48.19.11.2) ... secundum Cy. notabiliter in l. ii de here. (Cod. 6.24.2?) per glossam ibi. De decima quinta /// (**Bibl.** Diplovatatus, *De claris iuris consultis* 385.)

fol. 104ra-178ra **Johannes de Montesperello** (?), <**Recollectae in Codicem**> (Cod. 6.22.2-6.24.14)

(fol. 104r) (Invocatio) Ihesus Christus. Ihesus Christus. (Textus) Societas omnium bonorum uel heredes successionem communem indiuisam habentes ...

- (fol. 104va) (Lemma primum) l. *Si is qui te<cum>*: Consciens sibi mortem propter impatientiam doloris ... (fol. 176rb) (Lemma ultimum) *<Cum in liberis>* ... (fol. 178ra) (Finis) fuit multum dubitatum quando ita contigit de facto. (Colophon) Explicit rubrica de heredibus instituendis et finis huius anno [tal is UNLESERLICH] etc. per dominum Iohannem Petru<cium> de Perusia a titulo qui testa. facere possit usque huc. Reliqua non /// et post per dominum Perphilippum de C<orn>io de Perusia. Anno Domini M^o <c>ccc^o lxi^o die xxvi^a augusti. Plena nox erat. Scribitur tertia die quarta septembris etc. uno bo. et uno cunillo quibus arabimus (arabimus^{ac}). Deo dante etc. (**Bibl.** Diplovatatus, *De claris iuris consultis* 370-72.)
- fol. 178rb-va <Incertus auctor, forsan **Baldus de Ubaldis, Tractatus de expensis**> (Textus) Expensa necessaria est illa sine qua res non duraret in esse suo ... (Finis) ex predictis tria iura exceptionis offitii et abrasionis etc. Domini Baldi.
- fol. 178vb-179rb <Incertus auctor, **Repertorium**, excerptum> (Expensae) (Lemma) *Expense*: Vtrum in criminali uictus uictori condempnetur in expensis (Finis) ut extra de iniuriis et dampno dato c. pe. (X 5.36.8).
- fol. 183ra-260va <Incertus auctor, **Recollectae in Codicem**>, imperfectae (Cod. 6.25.1-6.30.22) (Rubrica) Rubrica. De institutionibus. (Textus) Baldus in hac rubrica tractat quid sit conditio ... (Lemma primum) l. *Cum auum*: Conditio mista ex facto instituti et alterius debet impleri ... (fol. 260ra) (Lemma penultimum) *Cum aliquis*: ... (fol. 260va) (Finis) de quo per Inoc. et Ioh. And. in c^o Cum causam de probat. (X 2.19.13). (Lemma ultimum) *Scimus*: ///
- fol. 267ra-276va <Incertus auctor, **Repetitio auth.** *Ex causa* (Auth. post Cod. 6.28.4), imperfecta (Lemma) *Ex causa*: Hec rubrica est brevis et compendiosa. Ideo quod non potest breuius summari que ponit ... (Finis) Circa hoc uerbum plura ueniunt discutienda ///
- fol. 287ra-341rb <Incertus auctor, **Recollectae in Codicem**> (Cod. 7.43.1-7.62.38) (Rubrica) Rubrica C. quomodo et quando iudex. (Textus) Aduertendum est ad uerba rubrice ibi 'quomodo et quando' quia iudex semper debet habere ... (Lemma primum) l. *Non semper*. Licet contra absentem soleat iudex sententiam ferre ... (fol. 341ra) (Lemma ultimum) *<Si quando duciano>*: ... (fol. 341rb) (Finis) ignorantia rerum causantur ex parua cogitatione et diligentia.
- fol. 342ra-rb <**Tabula alphabetica titulorum Codicis**>

Cat. Kristeller, *Iter* II 343; Dolezalek, *Verzeichnis* 2.

The MS contains lectures given at Perugia in 1460-1462; see fol. 59va, 185vb, 204r, and 247vb. The scribe seems to have delivered the lectures on fol. 287ra-341rb; see the note at fol. 327rb on the death of his wife Costanza (5 iun. 1461) and that on fol. 340vb, '14LXI die xi augusti ammisi lecturam istam'. The words

'Iacoba. Bella.' (fol. 340vb) and 'Iaco^o' (fol. 336r) may be clues to his name. This scribe wrote an Italic cursive in black ink, doing both the text and annotations. Some of the latter are marked 'TM'. Events in Perugia in 1460 are noted at fol. 106va. <I>r-v are in a late bookhand with neumes on staves. The table at fol. 342ra-rb is in a chancery cursive. The rubric at fol. 1ra is red, as are the paragraph signs from fol. 87ra onwards. The gathering at fol. 84-92 is a quaternion. Catchwords are set vertical to the text at lower right. For the watermarks, cf. Briquet no. 7464. The MS has a 19th-century parchment binding. Fol. 67v, 82r-83v, 100r-103v, 179v-182v, 261r-266v, 277r-286v, 298v, 307r, 335v-336v, 340r, 341v, and 342v are blank.

Vat. lat. 7667	saec. XV (1457)
-----------------------	------------------------

Prov. frater Ambrosius of Milan. **Scr.** Io. An. de Capelis (fol. 146ra).
 <II> + 206 fols. - 71-80 memb. 212 (142) x 145 (95) mm, origin Italy. Quiniones, saec. XV (1457).

fol. 1ra-92va **Bernardinus Senensis, O.F.M. (s.), Tractatus de contractibus et usuris**
 <idest Quadragesimale de evangelio aeterno, sermones 32-45>, imperfectus (See *Vat. lat. 1044 fol. 1r-72v for further information. *Variants:*
 (Rubrica) secundum sanctum fratrem Bernardinum de Senis *add. post* usuris
 (Finis) A quo tremendo iudicio misericorditer nos eripiat immensa pietas
 Saluatoris qui cum Patre et Spiritu sancto gloriosus et triumphator mortis regnat
 in secula seculorum. Amen. (A lost quire, fol. 71-80, has resulted in a lacuna
 from sermon 42med. to sermon 43med.)

fol. 92va-144ra **Bernardinus Senensis, O.F.M. (s.), Tractatus de restitutionibus**
 (Rubrica) Incipit tractatus restitutionum editus a reuerendo patre Sancto Bernardino de Senis ordinis minorum, dominica quarta in XL^a ordo dicendorum per septimenam sequentem. (Lectio) Sequebatur eum multitudo magna. Io. c.6 (v.2) et in euangelio hodierno. (Praefatio) Inter cetera quae ad christianam religionem necessaria dignoscuntur ... (Rubrica textus) Dominica antedicta de mane ... Sermo 33^{us} (Lectio) Sequebatur eum multitudo magna. Iterum ibi (ubi ed.) supra. (Textus) Primo enim considerare necesse est quis restituere obligatur ... (fol. 142va) (Finis) qui demum omnium bonorum premium donat (dat cod.) benedictus dominus Yhesus Christus qui cum Patre et Spiritu sancto uiuit et regnat in secula seculorum. Amen. (Colophon) Explicit tractatus restitutionum editus per sanctissimum patrem fratrem Bernardinum de Senis ordinis minorum. (fol. 142va-144ra) <Tabula contentorum>. (**Ed.** S. Bernardinus Senensis, *Opera omnia*, ed. Collegii S. Bonaventurae, 9 vols. (Florentiae 1950-65) I 400-532, not using this MS.)

fol. 144ra-146ra <Incertus auctor>, **Additio ad Tractatum de restitutionibus**
 (Rubrica) Quedam additio facta super restitutione ludorum. Vt infra uidelicet.
 (Textus) Tertium quoque misterium superaddatur quod est obligationis ... (Finis)

- Zellus per correptionem excitatus quam criminosus sit iustitie torpor ex insensibilitate subortus. (Colophon) Amen. Io. an. de Capelis ob Dei reuerentiam et eius gloriosissime matris domino fratri Ambroxio de Milano scripsit anno Domini 1457 et die xxiiii^o MARZII(?).
- fol. 146ra-199vb <**Franciscus de Platea, O.F.M., Tractatus de restitutionibus**>, imperfectus
<Tabula contentorum> ... (fol. 150va) (Rubrica) § 1. Utrum restitutio sit de necessitate salutis. (Textus) Restitutio primo. Vtrum restitutio sit de necessitate salutis ... (Finis) non posset esse nisi aliquid pertinens ad uictum et tunc /// (**Ed.** Franciscus de Platea, *Opus restitutionum, usurarum, excommunicationum* (Speyer 1489) fol. 14ra-52vb. The MS lacks the last three and a half columns of the text of the edition.)
- fol. 200ra-rb **Alexander <Bonini> de Alexandria, O.F.M., De bello**, fragmentum
(LECTIO) /// uenit princeps mundi huius et in me non habet quicquam. Io. 14. (Textus) Alii sunt qui non contenti decimis et primitiis ... (Finis) non tam auctor belli quam [iniuste] minister iudicandus est. (Colophon) Explicit de bello secundum Alexan. de ale.
- fol. 200rb <**Summaria duarum bullarum Alexandri IV pro fratribus minoribus et praedicatoribus**>
(Textus) Quicumque libellos famosos ... (Textus secundus) Quicumque predicare docere ... (Finis) sedi apostolice se presentent. Alexander et in alio non sine multa. (Cf. Alexander IV, 'Ex alto' (26 iun. 1259) and 'Non sine multa' (19 oct. 1256), *Bullarium Franciscanum*, ed. J.H. Sbaralea et al., 7 vols. (Roma 1759-1904) II 352-53, no. 497 and 165-66, no. 244.)
- fol. 200rb <**Nota de poenitentia**>
(Textus) Nota quod penitentia que iniungitur si est irratio ... (Finis) non tenetur recipere secundo modo sic rariter. (In the margin is the notation 'Ric. in 4 di.18 a.2.14.5'.)
- fol. 200va-203ra <**Pseudo->Johannes de Deo, Abbreviatio Decreti**> (See Vat. lat. 2493 fol. 443va-vb for further information.) *Variants*:
ZZ (Rubrica) Incipit decretum abbreviatum, in quo et etiam breuibz uerbis totum ius decretorum continetur et omnes distinctiones et omnes cause. Et quelibet causa habet questiones suas ... prout secundum magistrum Gratianum determinatur in decretis. Vt hic patet. (Finis) et sic terminatur liber iste in tribus capitulis de Spiritu sancto. (Colophon) Explicit decretum abbreviatum a magistro Iohanne de Deo in ciuitate Bononiensi editum. (**Ed.** *Modus legendi abbreviaturas* ... (Lugduni 1564) 68-81. **Bibl.** Sousa Costa, *João de Deus*, mentioning this MS at ix (misidentifying the MS as Palatinum), 58 and 61.)
- fol. 203ra-204va <**Johannes de Deo, Concordantie Decretorum cum titulis**>

Decretalium> (See Vat. lat. 2584 fol. 9va-vb for further information. *Variants:* (Rubrica) Incipiunt tituli decretalium cum omnibus decretis cuilibet titulo in capitulo loco (*sic*) **WARUM HIER SIC** suo concordantibus ad omnem materiam quamcumque uolueris inueniendam. Liber primus. (Finis) est plene noticia *pro* plene est notatum. Finis. (**Bibl.** Sousa Costa, *João de Deus*, mentioning this MS at x, 129, and 133.)

fol. 205r <Incertus auctor, **Tractatus brevis de rebus necessariis ad statum perfectionis**>

(Textus) Quatuor circstantias debet habere ad hoc quod sit perfectum ... (Finis) siue redditus non est usura Io. de le. ad litteram c. fi. extra de usuris (X 5.19.19).

ZZ Bibl. S. Bernardinus Senensis, *Opera omnia*, ed. Collegii S. Bonaventurae, 9 vols. (Florentiae 1950-65) III xxxvi briefly describing this MS; D. Pacetti, *De sancti Bernardini Senensis operibus* (Florentiae 1947) 18.

The MS is composite MS; fol. 93-150 have an old foliation 1-48 while fol. 151-201 were foliated 1-52. The MS is written in black ink, in several neat bookhands; fol. 1-149 seem to be in a single hand. Fol. 1r begins with a large blue initial with red filigree decoration. Other initials are red or blue, usually undecorated. Rubrics and paragraph signs are red. Catchwords are centered and lightly decorated. There are extensive marginal annotations in contemporary and later hands. On <I>v a strip, pasted in lengthwise, reads 'D. Bernardinus de Senis. De usuris. In quarto tabulis corio catena. Carta pergamina manu conscripta, folia 235, quint. 23.' <II>r contains a medical note in Italian and several lines of writing obliterated with ink. On 1r the shelfmark appears in the upper and lower margins, with large painted letters 'B A' in the lower margin. Fol. 205v-206r contains tables, written in a cursive hand, listing various types of sins. The MS is bound in 19th-century parchment. <I>r, <II>v, fol. 204vb, and 206v are blank.

Vat. lat. 7685	saec. XVmed.
-----------------------	---------------------

97 fols. chart. et memb. 168 (116) x 118 (75) mm, origin Italy. Seniones, saec. XVmed.

fol. 1r-95r **Antoninus de Florentia O.P. (s.)**, <**Confessionale**> *Defecerunt* (Recensio 1), imperfectum (See Vat. lat. 1237 fol. 70vb-143va for further information.)

Variants:

(Rubrica) Incipit tractatus de confessione fratris Anthonini archiepiscopi Florentini ordinis predicatorum. Lege feliciter. (Rubrica textus) De auctoritate seu potestate confessoris. (Textus) igitur *add. post Quantum* ... (Finis) *Io. An. et Anthonius de Butrio eam allegant.* (Colophon) Deo gratias. Explicit interrogatorium Anthonini. (**Bibl.** Kaeppli, *Scriptores* I 95 no. 256A. This copy lacks the forms of absolution found in Vat. lat. 1237 at fol. 142vb-143va.)

fol. 95v-97r <**Tabula confessionalis**>

Bibl. S. Orlandi, *Bibliografia antoniniana* (Città del Vaticano 1971) 191-92.

The MS is written in two late Gothic bookhands in black ink: fol. 1r-95r and 95v-97r. Rubrics, capitals, and paragraph signs are red. The inner and outer leaves of each gathering are parchment, the others, paper.

Catchwords are centered. The watermarks are illegible. The MS has a 19th-century parchment binding. Fol. 97v is blank except for 'Quid quid agas prudenter agis'.

Vat. lat. 7698	saec. XV.2
-----------------------	-------------------

234 fols. + 151a-b memb. et chart. 138 (100) x 107 (73) mm, ZZ saec. XV.2.

fol. 1r-62v **Bernardinus Senensis O.F.M. (s.)**, <**Tractatus de restitutionibus**> (See Vat. lat. 7667 fol. 92va-142va for further information.) *Variants:*
(Rubrica) Sermo uenerabilis patris fratris sancti Bernardini de Senis ordinis minorum. Dominica 4^{ta} in XL^a ordo dicendorum per septimanam sequentem.
<Tabula contentorum *add. post praefationem*> (Lectio textus) ubi *pro* iterum ibi.

fol. 63r-160v **Bernardinus Senensis O.F.M. (s.)**, **Tractatus de contractibus et usuris**
<idest Quadragesimale de evangelio aeterno, sermones 32-45>, imperfectus
(Sermones 32-44.3.3) (See *Vat. lat. 1044 fol. 1r-72v for further information.)
Variants:
(Invocatio) Yhesus Maria Franciscus. (Rubrica) secundum sanctum Bernardinum de Senis ordinis minorum *add. post* usuris (fol. 63r) <Tabula contentorum> ... (Finis) aut ebriosus aut rapax, cum huiusmodi non licet cibum sumere. (I Cor. 5.11) (Rubrica) De innumerabili multitudine animarum que ex usura seu occasione usure periclinantur. /// (The first word of the section which should have followed, 'Quarta', appears along the left margin as a catchword.)
VERMERK AM RAND UNLESERLICH - SCHLECHT KOPIERT

fol. 169ra-213vb, 224ra-vb. 214ra-219rc **Antoninus de Florentia O.P. (s.)**,
Confessionale *Defecerunt* (recensio 1) (See Vat. lat. 1237 fol. 70vb-143va for further information.) *Variants:*
WOHIN: fol. 214ra sequitur tractatus de excommunicationibus (Invocatio) Iesus.
(Rubrica) Incipit confessionale compositum per reuerendum in Christo patrem fratrem Antoninum de Florentia ordinis predicatorum et archiepiscopum.
(Rubrica textus) De auctoritate siue potestate absoluendi quam debet habere confessor. (Textus) ut *add. post* primum (Finis fol. 218rb) super eum a superiori suo nisi in articulo mortis. (fol. 218va-219rc) <Tabula contentorum> (Kaeppli, *Scriptores* I 95 no. 256, listing this MS. This MS does not contain the additions of Nicolas de Ausimo found in Vat. lat. 1237, and it has the section on excommunications at the end of the work instead of in its usual place before the *Interrogatorium*)

fol. 219va-223rb **Antoninus de Florentia O.P. (s.)**, **Tractatus de ornatu mulierum**
(See Vat. lat. 5067 fol. 177r-191r for further information.) *Variants:*
ZZ post uendant etc. *add.* Finis. (**Bibl.** Kaeppli, *Scriptores* I 87-88 no. 249.)

fol. 225ra-228rb <**Forma absolutionis**>

fol. 228va-229rb <**Casus breues de portione canonica**>

(Rubrica) Bonifatius viii^{us}. (Lemma primum) *Super cathedram etc.* usque infra auctoritate statuimus et ordinamus ut fratres dictorum ordinum ... (Finis) quia spiritualibus personis intelliguntur esse relicta. (**Bibl.** T.M. Izbicki, 'The problem of canonical portion in the later Middle Ages: the application of 'Super cathedram', *Proceedings Cambridge* 459-73, citing and quoting from this text at 470(-71) n. 67.)

fol. 229va-vb <**Nota**> **de decimis**

(Rubrica) De decimis et primitiis. (Textus) De decimis preceptum est Malachiae iii^o ubi dicitur 'Inferte omnem' (Mal. 3.10) ... (Finis) non reddendo scilicet decimas et primitias.

fol. 230va-231ra **Nicolaus de Ausimo O.F.M.**, <**Excerpta ex operibus**>

(Rubrica) Hec que inferius notantur extrahi de quadragesimali R.P. fratris Nicolai de Auximo ordinis minorum et de sermone ii^o excommunicationis uidelicet. (Textus), De iniectione manus in personam ecclesiasticam. De ista auctoritate habetur ... (Finis) Et de maiori et obedientia c. Dilecta in glossa penultima (X 1.33.12) (**Bibl.** Schulte, *Geschichte* II 435; Michaud-Quantin, *Sommes de casuistique* 62-66.)

fol. 231ra-rb <**Vocabularium**>

fol. 231va-232va <**De celebratione festorum**>

(Rubrica) De sanctificatione festi. (Textus) Sciendum quod ordinatum est festum celebrandum a UNLESERLICH -FEHLT propter quatuor misteria ... (Finis) per diem resurrectionis dominice precibus expietur. Gregorius in registro.

fol. 232va-vb **De virtutibus missae**

(Rubrica) De uirtutibus misse. (Textus) Prima uirtus audiendi missam est quod si homo daret in elymosina ... (Finis) omnium gratiarum fructum exuberat.

fol. 233ra-va <**Casus de interdicto**>

(Rubrica) Casus concessi tempore generalis interdicti secundum Io. An. (Textus) In primis conferri potest baptismus cum officio catecuminum ... (Finis) nisi in 4^{or} diebus priuilegiatis.

fol. 233va-vb <**Casus de ordinatione**>

(Rubrica) De clericis et sacerdotibus ordinatis ante legitimam etatem. (Textus) Scire debemus quod qui uult ordinari ... (Finis) non est casus reseruatus nec episcopo nec pape.

fol. 233vb-234rb <**Tractatus de consanguinitate**>

(Rubrica) Quomodo computatur gradus consanguinitatis secundum canones. (Textus) Sciendum est quod usque ad 4^m gradum inclusiue contrahitur ... (Finis) illi ex quo est ultra 4^m gradum.

fol. 234rb-va <**De divisionibus iuris canonici**>

(Rubrica) Quedam distinctio generalis decreti. (Textus) Liber decretorum distinguitur in tres partes ... (Finis) Vltima criminibus penas subiungere curat. (The end of the piece is a mnemonic verse.)

fol. 234va **Versus de absolutione**

(Rubrica) Sequentes uersus continent casus in quibus manus iniciens in clericum citra sedem apostolicam absolui potest. (Textus) Absoluit papa solus clericum ferientem ... (Finis) Atroces uero soli pape reseruantur. (Colophon) Hoc uersus ponit Hostiensis in c. Cum illorum, extra eodem (X 5.39.32) (**Ed.** Cf. Hostiensis, *In quintum decretalium librum commentaria* ... (Venetiis 1581; anast. repr. Torino 1965) fol. 114r.)

fol. 234v **Nota de thesauris**

(Textus) Nota quod in inuentione thesauri est distinguendum ... (Finis) et si certa indicia expresserit sibi redd/// ES LAESST SICH NICHT DARUEBER ENTSCHEIDEN, OB ES "REDDITUM SEIN SOLLTE

Bibl. S. Orlandi, *Bibliographia Antoniniana* (Città del Vaticano 1961) 179.

The MS is written in black ink, in two humanistic bookhands (fol. 1r-224vb, 225ra-234v.) Initials are red or in ink, those in ink have red decoration. Rubrics and paragraph signs are red; there are some enlarged lemmata in the *Confessionale*. There are some corrections and marginal annotations in contemporary and later hands. On fol. 1r are the shelfmarks '7698', and '7698 Vat.'. In the top margin of fol. 160v is the 'IHS' monogram. Fol. 161 was formerly numbered 198; the foliation has been corrected from fol. 224 onwards. A note in the lower right margin of fol. 214rb lists the seven sacraments. Fol. 218va-219rc contains a summary table of the contents of the *Confessionale*: the folio numbers cited match the small, cancelled foliation. A note on fol. 228rb lists cases reserved to the papal chancery. The is a boxed note, on fol. 232va, on the effects of communion according to Aquinas. At the bottom of fol. 234v is an erased note on contrition. Catchwords are centered and decorated."The MS is composed of gatherings of ten in which the outer and innermost leaves are of parchment, the other leaves of paper. The parchment binding dates from the latter half of the 19th-century. Fol. 161r-168v, 223v, and 230r are blank.

Vat. lat. 7699	saec. XIV
-----------------------	------------------

antea S. Sc. vii n° 3.

258 fols. + 256a memb. 175 (123) x 124 (82) mm, origin Germany. Quiniones, saec. XIV.

fol. 1ra-251ra <**Bartholomaeus de Sancto Concordio O.P., Summa de casibus conscientiae**> see Vat. lat. 1319 fol. 1ra-239va for further information.) *Variants:* (Textus) (fol. 1ra) *Abbas* om.; tantum *add. post suis*. (*Finis add.*) Deo gratias. Amen. (**Bibl.** Kaeppli, *Scriptores* I 164 no. 436.)

fol. 251rb-254va <**Tabula alphabetica Summae Bartholomaei de Sancto Concordio**>

fol. 257v-258r <**Tabula de numero aureo**>

The MS is written in a Gothic bookhand in black ink. Capitals are red or blue with decoration in the contrasting color. Paragraph signs are red. The edges of the MS are decorated with red flecks. The MS has a 16th- or 17th-century parchment binding. On the spine is the old shelf mark, 'S. Sc. vii n° 3'. Fol. 255r-257r, and 258v are blank.

Vat. lat. 7778

saec. XIII.1

Prov. De Rozires (?).

<II> + 122 fols. + <II> memb. 352 (289) x 233 (177) mm. Quaterniones, saec. XIII.

fol. 1ra-15rb <**Hugolinus de Presbiteris, Distinctiones**>

(Rubrica) Incipiunt distinctiones domini Ugolini. (Textus) Munerum alia sordida alia honesta ... (Finis) et cum per speciem generi derogetur ut infra de re iu. in toto iure. (Subscriptio) H. (**Bibl.** E. Seckel, 'Distinctiones glossatorum', *Festschrift der Berliner juristischen Fakultät für Ferdinand von Martitz* (Berlin 1911, repr. independently, Graz 1956) 420-28. These are in a gothic hand, with occasional scribal corrections; there are capitals with simple penwork decorations set in the margins.)

fol. 15rb **Johannes B<assianus>, Quaestio de poena apposita in stipulatione facti**

(Textus) Cum pro parte stipulationi paretur cui pena ... (Finis) non sufficit ei parere pro parte, ut ff. de ma. testamento l. *Si ita fuere* (leg. fuerit; Dig. 40.4.13) (Subscriptio) Iob. (This was added in a different Gothic hand after the *Distinctiones*. Space was left for a large initial at the beginning.)

fol. 15va-vb <Incertus auctor, **Summa de rebus dubiis**>

(Textus) Pacta certe pecunie promisse si aliter factum esset ... (Finis) ar. ff. de condi. ob causa da. l. *Si pecuniam* § Sed ubi (Dig. 12.4.5.4), de purgatione more C. quod metus causa l. i (Cod. 2.19.1) notaui co. (The meaning of the last words, which are followed by a reference symbol of two points and one stroke, is unclear. This is in the same hand as the preceding *quaestio*. There is no decoration except for a paragraph sign preceding each section.)

fol. 16ra-rb <Incertus auctor, **Summa alia de rebus dubiis**>

(Textus) Cum ambiguitas uertitur in iudiciis ... (Finis) nisi probetur mala, ut de euuict. l. ult. (This is in a different Gothic hand, it begins with a small penwork-decorated initial. The scribe and one other made substantial additions.)

fol. 16va-vb **Az<o, Summa Digestorum>**, excerptum (Dig. 34.5, *De rebus dubiis*)

(Rubrica) De rebus dubiis. (Textus) Iuris preceptor seu conditor de relictis ... (Finis) cum non esset ut C. de here. insti. Si pater (Cod. 6.24.4). (Colophon) Az. in summa /// (*ed.* fol. 304va-305ra) (**Ed.** and **Bibl.** See Vat. lat. 2312 fol. 226ra-234vb and 235ra-237ra. This is in a different Gothic hand and begins with a large plain initial.)

fol. 17ra-32va et 35vb-52vb **Pilius Medicensis, Quaestiones Sabbatinae** (See Vat. lat. 2661 fol. 39ra-56ra for further information.) *Variants:*
(Rubrica) Incipit libellus questionum a Pilleo Medicus (*sic*) compositus *praem. ante* de uniuersitate; Rubrica *add.* (Finis) excitatum agentem repellat ar. ut. (**Ed.** The partial edition of Belloni uses this MS (siglum V); see also *ibid.* p. 13. **Bibl.** A. Belloni, *Le questioni civilistiche del secolo XII* (Ius Commune Sonderhefte 43; Frankfurt am Main 1989) 56. Q. 39 is skipped on fol. 27ra. The text breaks off after q. 57 on fol. 32va, and Azo's *Quaestiones* follow (see below) in the same hand and format, without any indication of the change. Pilius resumes at q. 58 on fol. 35vb, line 11. The *Quaestiones* are in a different Gothic hand from the preceding texts; the scribe made very brief marginal additions (often allegations) and occasional corrections. Long marginal additions have been added by another hand. Chapters have large plain capitals set in the margins. The rubrics are in a different hand from the text and are often partly or wholly in the margins.)

fol. 32va-35vb <**Azo, Quaestiones**> (See Vat. lat. 2661 fol. 56rb-59va for further information.) *Variants:*
(Rubrica) AM RAND; ANDERER HAND De emfiteosi et pena apposita.
(Textus) Episcopus Bononiensis Lucio Titio rem quemdam (Finis) quibus *pro* que; 39 *om.* (**Bibl.** Add Belloni, *Questioni* 32-36.)

fol. 52vb-54vb <Incerti auctores, **Quaestiones variae**>
(Textus) Quidam rusticus prestitit mihi certa ... (Quaestio ultima) (Rubrica) De puteo uicino. Questio. (Textus) ZZ § Vicinia aliqua habebat puteum ... (Finis) quod iustum et honestum est secundum uniuersitatem. Non pro se. (These are in several Gothic cursive hands. There is no decoration except paragraph marks.)

fol. 55ra-114vb <**Azo, Brocardica cum additionibus Cacciavillani**> (See Vat. lat. 2343 fol. 87ra-137rb for further information.) *Variants:*
(Rubrica) r. *add. post* iniciis; xii *add. post* R' (Textus) principiis inquit *add. post* Omnia; et *om.*; probandi *pro* probanda (Finis) § Hoc edictum (Dig. 47.10.15.26) *pro* § Ait pretor. (Colophon) Finito libro reddantur laudes Deo. Gaudeat cum sanctis qui istud perficit opus. Gaudeat in cellis (*sic*) primo qui condidit istud. (These are in a different Gothic hand. Crude plain capitals are set in the margins.)

fol. 115r <Incertus auctor, **Versus de beata virgine**> SOLL MAN DAS
BESCHREIBEN? ES SIND 2 ZEILEN

(Textus) Que nunc uirgo sedens comploras funera nati ... (Finis) Te forma colimus sub cruce qualis eras. (This couplet is repeated beneath the next verse.)

fol. 115r <Incertus auctor, **Versus alii**>

(Textus) ZZ Noli tu per oras dicere confitebor cras ... (Finis) Tam ducibus quam regibus communis habetur. (Composed of four lines, these are in an elaborately elegant hand, and are probably partly *probationes pennae*; The same hand wrote 'De Rozires. Rozieres' after the verses.)

- fol. 115va-vb <**Anselmus de Orto, Tractatus de emphyteotico iure**>
 (Rubrica *marg.*, *al. man.*) De emphyteotico iure rubrica. (Textus) <T>ractaturus
 de quibusdam contractibus uidelicet de emphyteotico ... (Finis) inuestitura
 appellatur apud alios quamplures concessio nominatur. (Ed. R. Jacobi, *De summa
 Anselmi de Orto super contractibus emphyteosis et precarii et libelli atque
 investiturae* (Wimariae 1854) fol. 226ra-rb. This is in two different Gothic cursive
 hands. Capitals are missing.)
- fol. 116ra-119ra **H<ugolinus de Presbiteris, Insolubilia>**,
 imperfecta
 (Textus) /// duo et l. *Bonorum*. Item hoc uideo in contra tabulas ... (Finis)
 libertatem per legem non ex uoluntate defuncti. (Subscriptio) h. (Ed. V. Colli,
 'Insolubilia Hugolini', *Ius commune* 13 (1985) 13-67, editing qq. 16-17 and 20-21
 using this MS (siglum V); cf. p. 15. The first folio is missing. The text is in a
 Gothic hand and is decorated with plain initials set in the margins.)
- fol. 119rb-120rb **Hugolinus <de Presbyteris>, Tractatus de pugna**
 (Rubrica) Incipit tractatus de pugna ab Hugolino compositus. (Textus) Cum
 tractatus de pugna sit utilis ... (Finis) quod idem est dicendum sicut etcet. septem
 uel tribus sacramentalis. Explicit. (This and the next piece are in the same hand as
 the preceding and have the same decoration.)
- fol. 120va-vb <Incertus auctor, **Summa**> **de secundo decreto**
 (Rubrica *marg.*, *al. man.*) Questio de secundo decreto. (Textus) De secundo (*sic*)
 decreto uidendum occurrit ... (Finis) uel usu<capit> uel prescribit longuo (*sic*)
 tempore quia scies iuste possidet. (A tear at the binding edge has slightly
 mutilated a few lines of text. These are in a Gothic cursive hand. There is no
 decoration.)
- fol. 121ra-121vb <Incertus auctor, **Quaestiones de facto**>
 (Rubrica, *al. man.*) 1° de fondo (*sic*) dato in emphyteosim. (Textus) Fundum
 habebam, dedi in emphyteosim ... (Quaestio ultima) Quidam promisit dare
 creditori suo ... (Finis) qui cepit pignora in causam iudicati cum nulla sententia
 precessisset ff. de r/// (A tear at the binding edge has slightly mutilated a number
 of lines of text.)
- fol. 122r <Incertus auctor, **Nota de mutatione monetarum**>
 (Textus) Consequenter proponit quod tritum est et frequenter accidit, scilicet quod
 princeps aliquis mutauit meliorem monetam ... (Finis) teneris soluere c. solidos
 illius precii cuius erant tempore contractus. (This is 15 lines long, and is in a
 Gothic cursive hand; it is written in one long column and has been bound in
 lengthwise. There is no decoration.)

The codex is an artificial composite containing four sections (fol. 1-16, 17-54, 55-115, and 116-22); the
 short works that occupy folios originally left blank (fol. 15rb-16rb, 52vb-54vb, 115va-vb, and 121-22) are
 in later hands. The original texts are in black ink, the later in brown. Rubrics are red on fol. 1-13, 15rb,

17ra-51rb, 55-114 and 116-20. Initials at the beginning alternate red and blue with decoration in the contrasting color. From fol. 13v onwards there is no color, except that fol. 17-52 and 116-20 have red initials. Paragraph signs are red on fol. 116-20. Catchwords at the beginning have been cut away; from fol. 24 they are present, just to the right of center on the verso, and from fol. 70 on they are centered below the second column in borders. There is a stamped foliation in the lower right corner; fol. 17-54 and 55-114 have separate roman numeral foliations in the upper right corner, and from fol. 115 onwards there is an arabic numeral foliation there. The binding is an old one, of green leather. <I>r-<II>v, fol. 122v, and <+I>r-<+II>v are blank. <I>r: 777 8

Vat. lat. 7790	saec. XIex.
-----------------------	--------------------

175 fols. memb. 424 (311) x 179 (117) mm, origin Italy. Quaterniones, saec. XIex.

fol. 3ra-173vb <**Burchardus Wormacensis, Decretum**>, imperfectum (See Vat. lat. 1355 fol. 1r-310r for further information.) *Variants:*
 <Praefatio et praefatiuncula desunt. Tabula incipit a cap. lix WARUM XXXIX
 (Rubrica textus fol. 4rb) Incipit liber I. (Finis) que formida<bant> ne quid apud se
 esset unde reprehendi (*ed.* PL 140.1037C) ///

fol. 85ra <**Carolus Magnus, Capitulare missorum generale (a. 802)**, excerptum> (cc. 14-15)
 (Textus) Vt episcopi, abbates atque abbatisse comitesque unamini (unianimiter *cod.*) inuicem sint ... (Finis) quod si se non emendent, excommunicentur. (**Ed.** MGH Capit. I, ed. A. Boretius, p. 94 lines 1-13. The ending varies from the edition, diverging after 'non emendent'. The edition continues with two lines calling for a synod, followed by recourse to the royal court. This text was added by a later hand in the column left blank because of the lacuna in Book VIII.)

Bibl. Fransen, 'La tradition' 115 on the character of the lacuna in Book XII; Pelster, 'Decret' 144-45; *Coll. Farfensis*, ed. Kölzer § 49 n. 157.

The text manifests the characteristic augmentations and lacunae observed by Fransen in many later manuscripts; otherwise it is complete except for the missing first and last folios. The *ordo synodi* appears after Book III (fol. 63va-64va) in the alternate form found in Vat. lat. 1355, q.v. The *ordo infirmorum* appears after Book XVII (fol. 129vb-130vb) in the alternate form found in Vat. lat. 4880 and 14731. The *admonitio synodalis* follows Book XIX c. 108 (fol. 163ra-164rb), and, in turn, it is followed by the fragment of an *ordo synodi* as at Vat. lat. 1355 fol. 311v. The *praefatiunculae* appear only irregularly in a shortened form as the rubric preceding the first canon. The marginal inscriptions giving sources of canons are lacking in the second half of Book I and from Book III c. 69 (70) to Book XIII c. 1. The rubrics of canons differ considerably from those of the edition. The text contains numerous errors and unusual orthography. The text on fol. 173v is unfinished, lacking capitals and rubrics. The MS is written in brown ink in Italian Carolingian minuscule by two scribes who alternate, with changes of hand at fol. 28/29, 52/53, 108/109, and 174/175. The marginal inscriptions are by the scribes. The MS has not been corrected, and there are no notes by later hands. Major textual divisions are marked by large initials, usually in rope designs in varying combinations of red, green, blue, and yellow. The initials at fol. 63vb and 135rb are very simple examples of Romanesque white vine design on a multi-colored background. Chapter capitals and rubrics are orange; both are occasionally lacking. The modern stamped numeration in the lower right corner includes the front and back guard folios. The MS was ruled in dry point, and prickings are visible. There are signs of moisture damage throughout the volume; at times the text is washed away. Fol. 173 is poorly preserved. The non-Vatican binding is green leather over wood

with the ends of the sewing showing through on the spine. Fol. 1r-2v and 174r-175v are blank.

Vat. lat. 8067	saec. XV.2-XVI.1
-----------------------	-------------------------

a-b + 314 fols. chart. 280 (232) x 202 (120) mm, origin Italy (Tuscany). saec. XV.2-XVI.1.

fol. 1r-314r <Auctores varii, **Consilia**>, nominantur: Aeneas de Lotterighis Stupha (fol. 191r-195r); Alexander Antonii de Malegonellis (fol. 3r-9r, 204v-206r); Aloysius Vellutus (fol. 1r-2r); Angelus Matthaei de Niccolinis (fol. 224r-261v); Angelus Ottonis de Niccolinis (fol. 11r-13r, 295r-296r); Antonius Bonsius (fol. 73r-80v); Antonius de Cochis (fol. 116r-122v [Pisis]); Antonius de Malegonellis (fol. 137r-140r, 140v-145r, 145r-147v, 169r-173v); Antonius de Strozis (fol. 160r-161v, 165v-167r, 191r-194r); Augustinus Ragusinus O.P. (fol. 275r-v [Florentie, 14 ian. 1510]); Baldassar de Carduciis (fol. 276r-278r), Baldus Altovita (fol. 198r-203v); Baptista Bartholomaei de Nellis (fol. 32r-37v [Bononiae], fol. 116r-122v [in studio Pisano]); Bartholomaeus Baldinoctus de Pistorio (fol. 123r-132r [Pisis]); Bartholomaeus de Ciais (fol. 191r-195r)ZZ; Bartholomaeus Socinus (fol. 46r-51r, 207r-218v); Bene Bontasus de Florentia (fol. 281r-290v); Benedictus de Bardis (fol. 54r-55v); Benedictus Michaelis de Accoltis (fol. 20r-27v, 54r-55v); Bernardinus Ruffus (fol. 276r-277v); Bernardus Johannis de Bongiolamis (fol. 16r-19r, 291r-294v); Bernardus Volterrano O.F.M. (fol. 275r [in oppido Sancto Geminiano, 22 dec. 1509])ZZ; Borgundius Bartholomaei de Leolii (fol. 123r-132r [Pisis]); Carolus de Niccolinis (fol. 164r); Dionysius de Barisanis (fol. 298r-299v); Dominicus Bonus de Florentia (fol. 174r-v, 191r-192v, 296r-297r); Dominicus de Sancto Geminiano (fol. 300v- 301r); Felinus <Sandaeus> (fol. 51v-52r); Franciscus Ambrosinus de Exio (fol. 191r-194r); Franciscus de Gualter<ottis> (fol. 54r-55v [Pisis], fol. 191r-193v); Franciscus de Pepis (fol. 149r-151r, 154r-159v); Franciscus Guicciardinus (fol. 224r-261r, 281r-290r); Franciscus Laurentii de Machiavellis (fol. 301v [19 oct. 1419]); Garsias de Hispanis (fol. 301v-302r); Gaspar de Bonizis de Perusio (fol. 301r); Georgius Natta (fol. 106r-115v [Pisis]); Guidantonius Vespuccius (fol. 191r-195r, 207r-218v); Guillelmus Tanaglia (fol. 42v); Guitton de Optavianis (fol. 123r-131r [in studio Pisano]); Hormannoctius de Detis (fol. 163r-v, 167r-168r, 175r-182r); Johannes de Ceretanis (fol. 191r-193v); Johannes de Forniptis de Placentia (fol. 300r); Johannes Baptista Bernardi de Gambarellis (fol. 191r-194r); Johannes Hieronymi de Bongiolamis (fol. 28r, 54r-55v); Julianus Nicolai de Davanzatis (fol. 300v); Lancellotus Decius (fol. 123r-132v); Leo Francisci Leonis (fol. 44r-45r); Lucas de Corsinis (fol. 191r-193r); Ludovicus de Acciaiuolis (fol. 151v-153r, 162r-v [imperfectum]); Ludovicus de Gozadinis (fol. 281r-289v); Marcus de Asinis (fol. 58r-71r, 306r-314r); Matthaeus de Maffeis de Sancto Geminiano (fol. 276r-278r); Matthaeus de Niccolinis (fol. 154r-159v, 203v-204r); Matthaeus Nerutius de Sancto Geminiano (fol. 262r-274v); Nicolaus de Albareta de Ferraria (fol. 301v); Nicolaus de Nobilibus (fol. 83r-90); Nicolaus Guicciardinus (fol. 73r-81r, 224r-261r); Nicolaus Marius de Vandinio (fol. 281r-290r); Nicolaus Simonis

de Altovitis (fol. 103r-105v [Pisis], fol. 133r-135r, 185r-190r, 191r-193v); Otto Lapi Niccolinus de Sirigattis (fol. 38r-41v); Paradisus Mazinghus (fol. 91r-101r); Petrus Ambrosinus de Exio (fol. 28r-v); Petrus de Thomis de Ravenna (fol. 123r-132r [in studio Pisano]); Philippus Decius (fol. 123r-132v [Pisis]); Robertus Caroli de Strozis (fol. 52r-54r [in Pisano gymnasio], fol. 123r-132v [Pisis]); Sallustius Guillelmi de Perusio (fol. 42r, 54r-55v); Stephanus Johannis de Bonaccursiis (fol. 300r); Thomas de Salvettis (fol. 28v-29v, 42v-43v); Thomas de Vio Cajetanus O.P. (fol. 275r [Sancto Geminiano, 16 dec. 1509]); Thomas Guidonis de Detis (fol. 295r-296r); Incertus auctor (fol. 164v-165r).

Cat. Kristeller, *Iter* II 343. **Bibl.** P.E. Vigneaux, 'Notice sur trois manuscrits inédits de la Vaticane', MEFR 2 (1882) 308-55 at 341-54; P. Peruzzi, 'Angelus de Amelia, decretorum doctor, qui fuit tempore Bartoli (1307ca.- 1366ca.)', *Studi Urbinati* 44 (1975-76) 1-109 at 22 n. 65. Sella, *Nuove sigle* 4, 9, 16.

The MS is a composite collection divided into two parts between fol. 147 and 148. There are traces of an older numeration (e.g. fol. 38r); and fol. 3 is larger than the rest (290 x 215). The texts are in several cursive hands in dark brown, almost black ink. Some of the consilia have traces of their seals (e.g. fol. 37v). Fol. aⁱ is a title page, and fol. bⁱ has a note in Italian on the contents. Annotations include references at fol. 9r to the dates 1585 and 1590. The paper has been restored at several places, being covered with yellow protective paper. The MS has no regular quire structure. For the watermarks of the individual texts, cf. Briquet nos. 11931, 10637, 6656, 10624, 3668, 11636, 95, 15717, 7857, 11923, 7383, 1182, 6663, 7388, 6085, 12250, 7386, and 6881. The MS has a 19th-century parchment binding. Fol. 9v-10r, 15r, 81v, 101v, 145v, 148r, and 182v are blank except for notes. Fol. a^v, b^v, 2v, 13v-14v, 15v, 19v, 30r-31v, 45v, 56r-57v, 71v-72v, 81v-82v, 101v-102v, 131v, 135v-136v, 148v, 153v, 168v, 182v-184v, 190v, 195v-197v, 206v, 219r-223v, 278v-280v, 297v, 302v-305v, and 314v are blank.

Vat. lat. 8068	saec. XVex.
-----------------------	--------------------

Prov. Baptista de Limariis.

(A-I) + <II> + 329 fols. chart. 298 (214) x 215 (155) mm. origin Italy. Quiniones, saec. XVex.

Ir, fol. 11r-12r, 16v-29v, 31r-39r, 41r-115v, 117r-152r, 153r-158r, 158v-182v, 183r-v, 185r-204r, 206v-211v, 214r-218r, 219r-v, 260r-262r, 264r, 265r-276v, 278r, 299r-301v, 303v-308r, 324r, 325r-v <Auctores varii, **Consilia et quaestiones**>, nominantur: Alexander de Ubaldis (fol. 202r-203r) UNTERSTRICHEN -- UNLESERLICH; Alexander Salvi de Bencivendis (fol. 195r-198v [12 febr. 1418]); Andreas decretorum doctor (fol. 108r); Andreas de Monte Ubbiano (fol. 145v-146r); Angelus de Amelia (fol. 25v-27v [**Bibl.** P. Peruzzi, 'Angelus de Amelia, decretorum doctor, qui fuit tempore Bartoli (1307ca.-1366ca.)', *Studi urbinati* 44 (1975-76) 1-109 at 21-22, using the old numeration]); Angelus de Narnia (fol. 54r-v, 55r-v); Angelus de Ubaldis (fol. 71r-v, 82r-v, 85r-v, 99r-100r, 104v-105r, 105r, 108v, 109r, 111v-113r, 115r, 128v, 134v-138v [Paduae, dec. 1384], 151r, 158v-159r, 170r-v, 172v-173r, 192v, 219r (2), 219r-v, 219v); Antonius de Butrio (fol. 36r-v, 105v, 173v-174v, 180v); Antonius de Rosellis (fol. 195r-198v [12 feb. 1418]); Baldus de Ubaldis (11r-v, 11v-12r, 17v-18r, 24r-25r,

31r-v, -31v, 32r, 34v, 41v, 42v, 58r, 58v-59r, 66v-67r, 70v, 83r-v, 84r-v, 88v-89r, 89r-v, 94v, 94v-95r, 95r-v, 96r, 102v, 103v, 104r, 104r-v, 104v (3), 105r-v, 106r-v, 106v-107r, 107r, 107r-v, 107v, 108v, 109r (2), 109r-v, 109v, 109v-110r, 110r (2), 110v, 111r, 111r-v, 113v, 114r, 114v, 115r, 115r-v, 124v, 125r-v, 125v, 126r-v, 128v, 128v-129v, 130r-131r, 131r-v, 138v, 138v-139r, 140r, 141r-v, 144r-v, 146r, 146v, 147v-148r, 148r (2), 148r-v, 148v-149r, 150v, 151r, 151r-v, 151v (2), 152r, 153r-v, 153v (2), 154r, 154r-v, 154v, 154v-155r, 155r, 155r-v, 155v, 155v-156r, 156r-v, 156v, 156v-157r, 157r-v, 157v, 158r, 159r, 161r-v, 162r, 162r-v, 162v (2), 162v-163r, 163v-164r, 164r, 165r, 165r-v, 165v (2), 166r, 166v-167r, 167r, 167r-v, 167v-168r, 168r, 168r-v, 168v, 168v-169r, 169r, 169r-v, 169v-170r, 170v (2), 170v-171r, 171r, 172r-v, 172v, 174v-175r, 175r, 175v, 176r-v, 176v (2), 177r-v, 178r-v, 178v, 179r-180r, 191r-v, 192v (2), 194r-v, 209v, 210r, 210r-v, 210v-211r, 211r, 211v (3)); Baptista Johannis de Limmariis de Racaneto (fol. 299r-301v, 303r-305r, 305v, 306r-307v); Bartholomaeus de Saliceto (fol. 16v-17v, 18v-19r, 35v [**Bibl.** M. Bellomo, 'Una famiglia di giuristi: i Saliceto di Bologna', *Studi Senesi* 81 (1969) 387-417 at 417 no. 162], fol. 113v, 324r-325v); Batholomaeus prior ecclesiae Spoletanae (fol. 198v-200r); Bartolus de Saxoferrato (fol. 78v, 89v-90v, 90v-91v, 94r, 113r, 117r-119v [Perusii, feb. 1356; **Ed.** Bartolus, *Opera* X fol. 85vb-86vb], 127v-128r, 175v (2), 176r, 181v, 181v-182r, 182r, 182v, 183r-v, 264r); Benedictus de Barzis (fol. 75r-v, 209r); Christophorus Nicolai de Perusio (fol. 209v); Cinus de Pistorio (fol. 153r [**Ed.** G.M. Monti, *Cino da Pistoia giurista* (Gubbio 1924) at 233-234]); Contes de Armannis de Perusio (fol. 25v-27v [**Bibl.** Peruzzi, art. cit. 21-22], fol. 31v, 154r); Cyprianus de Bonavolgis de Fulgineo (fol. 45r-46r, 75v-76r); Dinus de Monte Catino (fol. 11r); Dinus de Muxello (fol. 23v-24r, 71r, 78v, 159v-160v, 161v-162r); Dionysius de Barizanis (fol. 42v-43r, 49r-v, 50r-51v, 123r-v, 203v-204r); Florianus de Sancto Petro (fol. 36v-37r, 80v-81r); Franciscus Bettoli (fol. 25v-27v [**Bibl.** Peruzzi, art. cit. 21-22]); Franciscus de Albergottis (fol. 70v, 102v-103v, 126v, 132r-v, 139v, 140r-141r, 143v-144r, 146v-147r); Franciscus de Ramponibus (fol. 16v-17v, 18v-19r, 96v-97r, 141v-142r, 142v-143v); Franciscus de Sulmona (fol. 256r-v); Franciscus Baldi de Ubaldis (fol. 202r-203r); Franciscus Bici de Aretio (fol. 180v-181r); Franciscus Tigrini (fol. 119v, 142r-v, 145v, 170r, 181r-v, 194v, 264r); Fredericus de Petrucciis de Senis (fol. 173v); Gaspar Johannis de Calis de Fulgineo (fol. 61r-63v), Guido de Suzzaria (fol. 194v); Guillelmus de Perusio (fol. 174v); Honofrius de Bartolinis (fol. 41v-42r, 47r-v, 115r, 147r-v, 148v-149r); Jacobus (fol. 164r [Paduae]); Jacobus Butrigarius (fol. 92r-v, 163r-v, 164r-v); Jacobus de Arena (fol. 113r, 170r); Jacobus de Marianis de Assisio (fol. 186r-187r); Jacobus de Saliceto (fol. 35v [**Bibl.** Bellomo, art. cit. 417 n. 162]); Jacobus Thomae de Firmio (fol. 84v-85r, 88r-v, 88v, 91v-92r); Johannes Andreae (fol. 170r); Johannes Calderinus (fol. 144v); Johannes Cole de Casellis de Reate (fol. 200v); Johannes de Canemortuo (fol. 82v); Johannes de Fantutiis (fol. 142v-143v); Johannes de Imola (fol. 29r-v, 79r, 194r); Johannes de Lignano (fol. 104r, 127r-v, 144v-145r); Johannes de Monte Granario (fol. 272r-276v); Johannes de Monte Sperello (fol. 187v-189v, 191v-192v, 192v-193r); Johannes de Pagliarensibus (fol. 133v-134r); Johannes de Plat<is> (fol. 56r-v); Johannes de Prato (fol. 214r-218r [Paduae]); Johannes de

Riccis (fol. 97r-v, 97v-98r, 107r, 107v); Johannes Namoratus de Esculo (fol. 37v-38v, 39r); Johannes Nelli (fol. 32r, 171r-v, 171v-172r); Kataldinus de Boncompagnis de Visso (fol. 35r, 37v, 95r, 190r-v, 203r-v); Lambertinus de Ramponibus (fol. 85r, 113r, 209v [Ed. A. Campitelli, 'Tre questiones conservate nel MS. Vat lat. 8069'. in *Studi in memoria di Giuliana D'Amelio*, 2 vols. (Università di Cagliari. Pubblicazioni della Facoltà di Giurisprudenza. Serie I vol. 20-21; Milano 1978) I 115-29 at 122 (also published in G. D'Amelio et al., *Studi sulle "Questiones" civilistiche disputate nelle Università medievali* [Studi e ricerche dei 'Quaderni catanesi' 1: Catania 1980] 99-214)ZZ; F. Martino, "'Questiones" civilistiche disputate a Bologna negli ultimi decenni del. sec. XIII ZZ ...' in D'Amelio et al., *Studi sulle "Questiones" civilistiche ...* 225-96 at 266]); Laurentius de Ridolfis (fol. 195r-198v [12 feb. 1418; **Bibl.** A. Lanconelli, 'Manoscritti statutari Romani. Contributo per una bibliografia delle fonti statutarie dell'età medioevale', *Scrittura biblioteche e stampa a Roma nel quattrocento. Atti del 2° seminario 6-8 maggio 1982*, ed. M. Miglio (Littera antiqua 3; Città del Vaticano 1983) 305-21 at 308(-09) n. 6, quoting the subscription on fol. 198v, but using the old foliation and citing it as on fol. 194v]); Lellus de Amelia (fol. 31v); Lovigius de Perusio (fol. 33v); Ludovicus Pontanus (fol. 81r-v ending at fol. 72r); Manfredus de Gilibertis de Spoleto (fol. 41r, 42r, 52v-54r, 76v ending at fol. 82r); Mansuetus Francisci (fol. 193v); Mannus de Tudi (fol. 123v-124v); Marcus Angelelli de Perusio (fol. 33v, 33v-34v, 44r-v, 48r-49r, 51v, 52r-v, 71v, 95v, 98v-99r, 108r, 110r, 114r-v, 125r, 192v, 201r-v); Marianus Socinus (fol. 324r [**Bibl.** P. Nardi, *Mariano Sozzini giureconsulto senese del Quattrocento* (Milano 1974) 162]); Matthaeus de Gondionibus de Spoleto (fol. 185r-v), Matthaeus Philiciani de Perusio (fol. 32v-33r, 56v-57v, 59r-60v, 123r-v, 202r-203r, 208r-209v); Mignanellus de Mignanellis de Senis (fol. 121v-122v); Montes de Camplo (fol. 37v-38v); Nellus de S. Geminiano (fol. 72r-73r [Florentiae 19 feb. 1427], fol. 195r-198v [12 febr. 1418]); Nicolaus Alexandri de Perusio (fol. 25v-27v [**Bibl.** Peruzzi, art. cit. 21-22]); Nicolaus de Barixano (fol. 25v-27v [**Bibl.** Peruzzi, art. cit. 21-22]); Nicolaus Donadei de Tudi (fol. 123v-124v); Nicolaus Johannis de Ancona (fol. 260r-261r); Nicolaus Nelli de Balionibus (fol. 123v-124v); Odo<fredus> (fol. 170r); Oldradus de Ponte (fol. 85v, 173r-v, 194r); Panormitanus (fol. 75r [Senis]); Paulus canonicus Perusinus (fol. 25v-27v [**Bibl.** Peruzzi, art. cit. 21-22]); Paulus de Castro (fol. 21v-23v, 27v-29r [Bononiae], fol. 79v-80v [**Bibl.** N. Del Re, *Sei consigli inediti di Paolo di Castro nei codici Vat. lat. 8068, 8069, 11605 e Urb. lat. 1132* (Roma 1945) 31-34], fol. 100v-102v [Bononiae, 10 apr. 1425], fol. 119v-121v [**Bibl.** N. Del Re, op. cit. 35-41]); Paulus Petri de Corroto (fol. 206v-208r); Perusinus de Capitonibus de S. Gemino (fol. 64r-v, 64v-66r, 202r-203r); Petrus de Amandola (fol. 46r-v); Petrus de Bellapertica (fol. 164r); Petrus de Ubaldis (fol. 52r-v, 58r, 70v, 84r-v, 85r, 85v-88r, 98r-v, 130r, 138v, 140r, 141r-v, 149r-150v, 159r-v, 159v, 172v, 177r, 178v-179r); Petrus Nicolai de Racaneto (fol. 266r-269v, 270r-v, 271r-v ending at fol. 178r); Ranutius de Perusio (fol. 134r-v); Raphael Fulgosius (fol. 19v-21v); Raynerius de Monte Ubbiano (fol. 132v-133v); Recuperus de S. Miniato (fol. 167v); Ricardus de Saliceto (fol. 105v-106r, 131v-132r [**Bibl.** D. Maffei, *La donazione di Costantino nei giuristi medievali* (Milano 1964) 231 n. 4; M.

Bellomo, 'Per un profilo della personalità scientifica di Riccardo da Saliceto', *Studi in onore di Edoardo Volterra*, 5 vols. (Milano 1971) V 251-84 at 255 n. 8 and 257(-58) n. 16.7-8.]); Rugerius de Perusio (fol. 148v-149r); Sallustius Guillelmi de Perusio (fol. 51v, 73r-74v, 202r-203r); Thomas de Corsinis (fol. 110v); Thomas de Trothis de Imola (fol. 123v-124v); Thomas Claudii de Spoleto (fol. 43r-v, 49v-50r); Troiolus de Boncompagnis de Visso (fol. 43v-44r, 67r-70r); Venantius Vannutti Mercati de Camerino (fol. 93r-v); <Incerti auctores> (Ir, fol. 37r, 66r-v, 70v, 77r-78r, 84r, 108r, 113r, 165v-166r, 177v-178r, 180r (3), 182v, 190v-191r, 194r, 194v, 209v, 261r-262r, 307v-308r).

fol. 12r-15r **Dinus de Muxello, Tractatus de successione ab intestato** (See Vat. lat. 2638 fol. 1ra-3ra for further information.) *Variants:*
(Rubrica) Tractatus de succexionibus ab intestato per Dy. (Finis) ut Instit. de succe. cogn. (Inst. 3.5) hodie a iure differentia sublata est ut in prefata aut<hentica> probatur. (Colophon) Explicit tractatus Dyni de Mugello de succexione ab intestato.

fol. 15r-16r **Bartolus <de Saxoferrato>, Tractatus de bannitis seu bannitorum** (See Vat. lat. 2289 fol. 91rb-vb for further information.) *Variants:*
(Finis *add.*) Amen. (Subscriptio) Bartolus.

fol. 16r-v **Martinus de Fano O.P., Tractatus de exceptionibus impredientibus litis contestationem**, imperfectus
(Rubrica) Tractatus Martini de Fano de exceptionibus impredientibus litis contestationem. (Textus) In primis omnis dilatoria exceptio iudicii impedit litis contestationem ... (Finis) ff. qui satisda. coga. l. *Si vero* § Qui (quoniam *ed.*) pro rei (qualitate *add. ed.*) (Dig. 2.8.5.1) ii. (xi. cod.) q. i. Si manifesta (C.2 q. 1. c.15). (Colophon) Explicit tractatus Martini de Fano de exceptionibus impredientibus litis contestationem. (**Ed.** TUI 3.2 fol. 102vb-103ra. The MS lacks three opening and nine closing fines. **Bibl.** Kaeppli, *Scriptores* II 112 no. 2959.) WAS KOMMT ZUERST DIE HANDSCHRIFT ODER DIE DRUCKAUSGABE' ICH GLAUBE DIE HANDSCHRIFT ABER HIER MAL ED. MAL COD.

fol. 115v-117r **Dinus de Muxello, Tractatus de primo et secundo decreto iudicis** idest Lectura § *Si plures* (Dig. 39.2.15.15) (See Vat. lat. 2339 fol. 129r-v for further information.) *Variants:*
(Rubrica) Rubrica de primo et secundo decreto secundum Dylum legum doctorem (Textus) primo *om.* (Finis) scilicet quod sit necessaria missio si non erat in possexionibus ex primo decreto ut preallegatis legibus *add.* (Subscriptio) Dinus de Mugello etc.

fol. 152r-v <Incertus auctor>, **Discordantiae iuris civilis et canonici**
(Rubrica) Hic notantur quedam discordantie iuris ciuili ei canonici. De iure ciuili. (Textus) Ammonitio citationis debet precedere libellum ... (Finis) ut extra de testi. c. Testimonium (X 2.20.54) et c. Super eo (*est cod.*; X 2.20.13).

- fol. 158r-v **Angelus <de Ubaldis>, Forma agnitionis bonorum possessionis**
 (Rubrica) Forma agnitionis bonorum possexionis de iure pretorio per dominum Angelum de Perusio. (Textus) Constitutus Benedictus etc. Coram tali etc. Dixit et exposuit coram eo ... (Finis) secundum formam iuris ut eius beneficio uti possit. (Subscriptio) Angelus de Perusio.
- fol. 158v **Angelus de <Ubaldis>, Forma petitionis bonorum possessionis**
 (Rubrica) Forma petitionis bonorum possexionis et adipiscende possexionis per l. *Edicto* C. de edic. diui Adri. toll. (Cod. 6.33.3) per dominum Angelum de Perusio. (Textus) Constitutus Benedictus etc. Coram etc. Exhibuit et obtulit ... (Finis) qui huic petitioni seu libello contradiceret usque ad finem cause. (Subscriptio) Angelus de Perusio.
- fol. 182v-183r **<Bartolus de Saxoferrato, Commentum in tit. De aleatoribus>** (Dig. 11.5) (Rubrica) Super rubrica de aleatoribus. (Textus) Circa hunc titulum et materiam obmissis dictis canonum et eorum qui prophetarunt ... (Finis) et uide l. *Si quis cum sciendum de usuc. pro emp.* ff. (Dig. 41.4.8).
- fol. 204r-206r, 262r-263v **<Auctores varii, Repetitiones>** nominantur: Angelus de Ubaldis, l. *In suis* (Dig. 28.2.11) (fol. 262r-263v); Bartolus de Saxoferrato, Repetitio auth. *At qui semel* (post Cod. 4.19.19, ex Nov. 90.4. 1) (fol. 204r-206r).
- fol. 220r-759v **<Incertus auctor, Commentum super statuto civitatis Ancisnitanae>**
 (Rubrica) /// De in ius uocando. Rubrica i. (Textus) Super uerbo 'sue habitationi' uide Baldum in l. *Iuris ordinem*. C. de iur. o. iud. (Cod. 3.13.2) ... (Finis) et uide Baldum omnino ff. de iniusto te. in l. *Si quis filio* § Eius qui (Dig. 28.3.6.7.)
- fol. 279r-292v, 297r-298v **Antonius de Cannario, Tractatus de executione instrumentorum**
 (Invocatio) Yhesus. (Rubrica) Incipit tractatus quarantigie et exequutionis instrumentorum per clarum doctorem dominum Antonium de Cannario. (Textus) Colligam questiones quasdam per numerum circa materiam executionis instrumentorum ... (Finis) in dicta clementina *Sepe* (*om. ed.*) (Clem. 5.11.2) in fine m. glosse in (*super ed.*) uerbo 'non contradicentibus'. Laus Deo. Finis. (**Ed.** TUI 5 fol. 39ra-45vb. The MS lacks the last two quaestiones'.)
- fol. 309r-320v **Andreas Barbatia, <Tractatus de praestantia cardinalium, excerptum>**
 (Rubrica) Questio Andree Barbaggi Siculi ad reuerendum cardinalem Nicenum legatum Bononie. (Textus) Nunc uero ad (*om. ed.*) tertiam basilicam questionem disputandam domine benignissime (*metuendissime ed.*) assumam ... (Finis) capere non poterit licet sit cardinalis (*sit cardinalis capere non poterit argumento ed.*) l. *Ex imperfecto*. C. de testamentis (Cod. 6.23.3) cum symilibus. (**Ed.** TUI 13.2 fol. 72ra-76va.)
- fol. 321r **Benedictus de Barzis, <Commentum in> c. Raynutius** (X 3.26.16).
 (Rubrica) Verba domini Benedicti de Perusio in c^o *Raynutius* extra de testamentis

(testis cod.: X 3.26.16). (Textus) In glossa in uerbo que incipit 'ff. ad Treb. Sceuola' (Dig. 36.1.78) ... (Finis) in materia compendiose circa quam uide notata in d. c° Si pater (Sext. 3.11.1). (**Bibl.** Padovani, *Sostituzioni* 381(-82) n. 12.)

fol. 322r-323r **Tancredus de Corneto**, <**Summa compendiosa**, excerptum>
(Rubrica) Tancredi de Corneto in suo tractatu compendiose in fine. (Textus) Ad habendum uberiores doctrinam significationem quorundam uerborum ... (Finis)
c. de hiis que sub modo l. i (Cod. 6.45.1) et ff. de condi. causa da. (Dig. 12.4).
(**Bibl.** D. Maffei, *Giuristi medievali e falsificazioni editoriali del primo Cinquecento* ... (Ius commune, Sonderhefte 10; Frankfurt a. M. 1979) 30 n. 72; Peruzzi, art. cit. 38-49.)

Cat. Dolezalek, *Verzeichnis* 2; Kristeller, *Iter* II 243. **Bibl.** P.E. Vigneaux, 'Notice sur trois manuscrits inédits de la Vaticane', *MEFR* 2 (1882) 308-55 at 327-41; A. Campitelli, 'Il Codice Vaticano latino 8068', *ASD* 14-17 (1970-73) 241-66, including lists of the jurists represented and of the incipits; Sella, 'Nuove sigle' passim.

The MS is written in brown ink shading to black in several late Gothic cursive hands. At the beginning there are seven folia containing a jurisconsult's index, written in a modern hand and designated 'A-G'. The next folio, 'H', has the title of the MS: 'Consilia diuersorum iurisconsultorum ex quibus multa sunt originalia cum indice materialium in principio'; at Ir there is an anonymous consilium. The MS has three sets of foliation. The two older handwritten ones are in the upper margin on the right; the new one (followed here) is stamped in the bottom margin on the right. From fol. 1r to fol. 10v is a subject and 'incipit' index for fol. 1-201. At fol. 213r is a letter in Italian, relative to a sentence imposed on 'doctor Mariano de Teramo'; at fol. 327v, a note of payment written by 'Baptista tunc gubernator Ymole'. At fol. 328v there is another note written by 'Pietro di Stefano di Ser Vanni'. Catchwords are framed and centered. For the watermarks, cf. Briquet no. 5576, 791, 11886, 11674, 7697, and 9951. The MS has a 19th-century parchment binding. Fol. 184v is blank except for a catchword. <I>r-<II>v, fol. 30r-v, 39v-40r, 184r, 212r-v, 213v, 218v, 264v, 277r-v, 278v, 293r-296v, 302r-v, 308v, 321v, 323v, 324v, 326r-327r, 328r, and 329r-v are blank.

Vat. lat. 8069	saec. XV
-----------------------	-----------------

387 fols. + 1a-b chart. 295 (181) x 208 (110) mm, origin Italy. Quiniones, saec. XV.

TEILWEISE KONTROLIERT ES SCHEINT; DASS ETWAS FEHLT; MAN SOLLTE VOM ORIGINAL AUSGEHEN UND MIT DEM KATALOG VERGLEICHEN WAS DADURCH NOCH :::: IST; DASS IM KATALOG DIE JURISTEN NACH DEM ALPHABET GEORDNET SIND

fol. 14r-101v, 109r-127v, 128r-154v, 158r-161r, 162r-177v, 182v-195v, 202r-205v, 207r-294v, 296r-304r, 306r-328v, 331r-356v, 356v-387v <Auctores varii, **Consilia**>, nominantur: Andreas (fol. 359v-360r); Andreas Ciaffi de Perusio (fol. 144v [**Ed.** G.M. Monti, *Cino da Pistoia giurista* (Gubbio 1924) 235-36]); Andreas de Monte Ubbiano (fol. 60v-61v); Andreas de Monte Verdo (fol. 252r); frater Angelus (fol. 354r-356v); Angelus de Amelia (fol. 89v-90r, 141r-144r [**Bibl.** P. Peruzzi, 'Angelus de Amelia, decretorum doctor, qui fuit tempore Bartoli (1307ca.-1366ca.)', *Studi urbinati* 44 (1975-76) 1-109 at 21-22], fol. 373v-375r [**Ed.**

Peruzzi, art. cit. 90-93]); Angelus de Ubaldis (fol. 113v-115r, 132v-133v, 138r-v, 141r-144r [**Bibl.** Peruzzi, art. cit. 21-22r], fol. 145v-146r, 146r-v, 146v-147r, 165r-166r, 182v-183r, 188v-189r, 189r-v [**Ed.** T.M. Izbicki, *'Ista questio est antiqua: Two Consilia on Widows' Rights'*, BMCL 8 (1978) 47-50 at 48-49], fol. 224r-v, 224v-225v, 277r-280r, 336r-v, 368r-370v); Angelus <de Gambiglionibus> (fol. 133v-135r); Antonius de Butrio (fol. 368r-370v); Antonius de Castilione (fol. 357v-359r); Antonius de Hosticianis (fol. 192r-v); Antonius de Presbiteris (fol. 145v-146r); Antonius de Rosellis (fol. 153v-154r); Argentinus de Forlivio (fol. 238r-v); Azo de Rangis (fol. 192v-193r); Baldus de Feschino (fol. 352v-353r); Baldus de Ubaldis (fol. 113r-v, 116r-117v, 129v, 130v-131r, 131r-v, 137v [**Ed.** A. Campitelli e F. Liotta, *'Notizia del MS. Vat. lat. 8069'*, ASD 5-6 (1961-62) 387-406 at 403], 138r, 139r, 145r-v, 158r, 162v-163v, 163v-165r, 172v (2), 172v- 173r (2), 173r, 174v-175v [**Ed.** Campitelli e Liotta, art. cit. 404-05], fol. 175v-176r [**Ed.** Campitelli e Liotta, art. cit. 405-406], fol. 176r [**Ed.** Campitelli e Liotta, art. cit. 406], fol. 177r, 183r-184r, 187v, 190r-v, 211v-212r, 212r-213v, 213v-215v, 223r-224r, 225v, 228r-v, 232r-233v, 237v, 240r-242v, 260r-261r, 283v-284v, 310r-311v [iul. 1330], 311v, 351v-352v, 361r-362r, 364v-367v, 372r-v, 378r-380v); Bartholomaeus de Saliceto (fol. 112r-113r, 139r-v, 170r-171v, 280r-282r); Bartolus de Saxoferrato (fol. 14r [imperfectum], 14r-v, 14v-15v, 15v-16v, 17r, 17r-18v, 18v-19v, 19v-20r, 20r-21v, 21v-22v, 22v-24r, 24r-27r, 27r-v, 28r-v, 30r-31v, 31v-33r, 33r-34r, 34r-v, 34v-36v, 36v-37v, 39r-40r, 40r-v, 40v-41v, 41v-42r, 42r-v, 42v-44v [**Bibl.** J. Kirshner, *'Civitas sibi faciat civem: Bartolus of Sassoferrato's Doctrine on the Making of a Citizen'*, *Speculum* 48 (1973) 694-713 at 703 n. 34, 704 n. 38, 707 n. 53], fol. 44v-46r, 46r-47r, 47r-v, 47v-49v, 50r-51r, 51r-52v, 52v-53r, 53r-55r, 55r-56v [actu legens Perusii], 56v-58r, 58r-v, 58v-60r, 60r-v, 60v-61v, 61v-62v, 62v-63r, 63r-64r, 64r-v, 64v-65v, 65v, 66r, 66r-v, 67r, 67r-68r, 68r-v, 68v-69v, 69v-70v, 70v-71r, 71r-72r, 72r-v, 72v-73r, 73v, 73v-74r, 74r-v, 74v-75r, 75r-v, 75v-76r, 76r-77r, 77r-v, 77v-78r, 78r-v, 78v-79r, 79v-80r, 80r-81r, 81r-82r, 82r-v, 82v-83r, 83r-84v, 84v-87v, 87v-89v, 89v-90r, 90r-v, 90v-91r, 91r-v, 91v-92v, 92v-93r, 93r-95v, 95v-96v, 96v-97r, 97r-98v, 98v-100r, 100r-101v, 126r-127r, 128r-v, 128v-129r, 136v-137v, 147r-v, 148v, 162r-v, 166r-v, 173r, 173v, 177v, 187r-v, 207r-209r, 209r, 215v-218r, 218v-219r, 219v, 219v-220r, 226r-v, 226v-227r, 227r-v, 231v-232r, 239r, 252r, 252r-253r); Benedictus de Barzis (fol. 121r-122r, 220r-223r); Cinus de Pistorio (fol. 144v [**Ed.** Monti, op. cit. 235-36]); Collegium Florentinum (fol. 225v-226r); Conte de Perusio (fol. 141r-144r [**Bibl.** Peruzzi, art. cit. 21-22], fol. 163v-165r, 373v-375v [**Ed.** Peruzzi, art. cit. 90-93]); Dinus de Muxello (fol. 109r-110v); Dionysius de Barizanis (fol. 111v-112r, 135v-136v, 153v, 220r-223r); Donatus Richis de Altigeriis de Florentia (fol. 145v-146r); Egidius de Aretio (fol. 236r-237v); Florianus de Sancto Petro (fol. 124v-125v, 383r-385v); Franciscus (fol. 359r-360v); Franciscus <de Accoltis> (fol. 37v-38v, 131v, 351r-v, 378r-380v); Franciscus Accursii (fol. 231r-v); Franciscus An<tonii> (fol. 213v-215v); Franciscus Bertoli (fol. 141r-144r [**Bibl.** Peruzzi, art. cit. 21-22]); Franciscus Ciaffi de Pisis (fol. 138v-139r); Franciscus de Albergotis (fol. 129v-130v, 140v, 145v-146r, 176v, 218r-v, 334r-335r [**Bibl.** A. Campitelli, *'Il "Tractatus de cicatricibus" di Francesco Albergoti attribuito a Bartolo da Sassoferrato'*, ASD 8

(1964) 269-88 at 287]); Franciscus de Bonoris de Civitate Castelli (fol. 123r-124r); Franciscus de Cappellis (fol. 280r-282r, 339r-340v); Franciscus de Fabriano (fol. 41v-42r, 177v); Franciscus de Fulchis (fol. 286v-288r); Franciscus de Ramponibus (fol. 192r-v, 210r-211r, 284v-286v, 339r-340v; 383r-385v); Franciscus de Senis (fol. 347r-349r); Franciscus Locci de Salvat<ore> de Florentia (fol. 333r-334r); Franciscus Johannis de Camerino (fol. 184v-187r); Franciscus Mansueti (fol. 202r-v); Franciscus Pagi (fol. 145r); Franciscus Tigrini de Pisis (fol. 20r-21v, 52v-53r, 67r-68r, 219v, 238v, 252r-253r, 322v-323v, 324r-325r, 325r-v, 331v-332v); Fredericus de Scala (fol. 173v-174v), Gaspar de Medicis de Camerino (fol. 184v-187r); Gaspar de Ruphinis (fol. 192r-v); Gaspar Johannis de Colle Fulgineo (fol. 122r-123r); Gregorius Bencivennis de Bononia (fol. 187v-188v, 378r-380v); Griffus de Guidonis Griffi (fol. 263r-277r [Florentiae, ian. 1398]); Guillelmus de Perusio (fol. 163v-165r, 326v-328v); Honofrius de Bartolinis (fol. 117v-119r, 254v-257r, 258v-259v, 356v-357v); Jacobus Butrigarius (fol. 167r-168v, 289r-193v [29 dec. 1339], 293v-294v, 296r-298r, 298r-302r, 303v-304r, 306r-v [**Bibl.** Kirshner, art. cit. 706 n. 48], fol. 306v-307v, 307v-308v, 308v-309v, 309v-310r, 310r-311v [iul. 1330; **Bibl.** D. Maffei, *Giuristi medievali e falsificazioni editoriali del primo Cinquecento* (Ius commune, Sonderhefte 10; Frankfurt am Main 1979) 83; E. Cortese, review of D. Maffei, *Giuristi ..., Studi medievali*, ser. 3, 23 (1981) 246-59 at 255.], 311v-312v, 312v-313v, 313v-314r, 314r-v, 314v-315v, 315v-316r, 316r-318r, 318r-319r, 319r-321r, 321r-v, 321v-322v, 336v-337v, 340v [**Ed.** Izbicki, art. cit. 50]); Jacobus de Arena (fol. 115r-116r, 196r-200r, 229r-v, 234r, 234r-235r); Jacobus de Belvisio (fol. 310r-311v [iul. 1330; vide Jacobus Butrigarius (fol. 310r-311v) *supra*]); Jacobus de Mariscalcis (fol. 383r-385v); Jeremias (fol. 339r-340v); Johannes Andreae (fol. 298r-302r); Johannes de Biciis (fol. 263r-277r [Florentiae, 28 ian. 1398]); Johannes de Canetulo (fol. 124v-125v); Johannes de Lignano (fol. 145v-146r, 350v-351r), Johannes de Piendibene de Montepulciano (fol. 158r-160v); Johannes de Podioboniti (fol. 354r-356v); Johannes de Riccis (fol. 132r-v, 288r-289r, 351r-v, 353r-354r, 354r-356v, 367v-368r, 368r-370v); Johannes de Sancto Petro (fol. 383r-385v); Johannes Neri de Pagliarensibus (fol. 375r-376v [Senis, 24 dec.], 378r-380v); Johannes Petri de Amelia (fol. 360r-361r); Julianus de Perusio (fol. 213v-215v); Kataldinus de Boncompagnis de Visso (fol. 261r-262v); Lapus abbas Sancti Miniati (fol. 302r-303v); Lapus de Castilione (fol. 351r-v); Lovigius de Perusio (fol. 220r-223r); frater Lucas (fol. 354r-356v); Ludovicus de Albergottis (fol. 168v-170r, 282r-v, 338r-339r, 372v-373v); Ludovicus Petri de Perusio (fol. 172r-v); Manfredus de Spoleto (fol. 209r-210r); Mannutius de Prato (fol. 342r-346r); Marcus Angelelli de Perusio (fol. 111r-v, 188v, 257r-258r, 260r); Matthaeus de Gixo (fol. 263r-277r [Florentiae, ian. 1398]); Matthaeus Philiciani (fol. 119r-121r, 124v, 220r-223r); Michael de Accoltis (fol. 148v-153v); Nicolaus Alexandri de Perusio (fol. 141r-144r [**Bibl.** Peruzzi, art. cit. 21-22]); Nicolaus Angelis de Urbeveteri (fol. 322v); Nicolaus Antonii de Robacta (fol. 284v-286v); Nicolaus de Bansanis (fol. 141r-144r [**Bibl.** Peruzzi, art. cit. 21-22]); Nicolaus de Cambionibus de Prato COMBBONIBUS (fol. 145v-146v, 211r-v); Nicolaus de Lellis (fol. 213v-215v); Nicolaus de Monte Granario (fol. 204r-2-05v); Nicolaus Francisci de Rambionibus (fol. 286v-288r); Nicolaus Fagianus de

Viterbio (fol. 263r-276v [Florentiae, ian. 1398]); Nicolaus Thorini de Prato (fol. 342r-346r); Paulus canonicus Perusinus (fol. 141r-144r [**Bibl.** Peruzzi, art. cit. 21-22]); Paulus de Castro (fol. 154r-v [**Ed.** N. del Re, *Sei consigli inediti di Paolo di Castro nei Codici Vat. lat. 8068, 8069, 11605 e Urb. lat. 1132* (Roma 1945) 42-43, using the old numeration]); Paulus de Liazariis (fol. 227v-228r, 289r-293v [29 dec. 1339]); Paulus de Pisis (fol. 67r-68r); Paulus Simonis de Perusio (fol. 93r-95v); Pe<trus> (fol. 253r-254r); Petrus de Ancharano (fol. 191r-192r); Petrus de Ubaldis (fol. 139r, 141r-144r [**Bibl.** Peruzzi, art. cit. 21-22], fol. 145v-146r, 213v-215v, 228r-229r); Petrus Albisi de Pisis (fol. 127r-v, 229v-230r, 230r-v, 230v-231r, 242v-245v, 341r-342r, 346r-347v); Petrus Thomae de Corsinis (fol. 334r-335r); Philippus Thomae de Corsinis (fol. 130v, 139v-140v, 338r-339r, 352v-353r, 362r-363v, 368r-370v); Recuperatus de Sancto Miniato (fol. 334r-335r); Recuperius de Sancto Miniato (fol. 66r); Richus de Muraro (fol. 193v-195v); Robertus de Francola (fol. 245v-252r); Rosellus de Rosellis (fol. 283r-v, 338r-339r, 367v-368r, 368r-370v, 370v-371v, 371v); Sallustius Guillelmi de Perusio (fol. 160v-161r); Scolaius (fol. 354r-356v); Signorolus de Mediolano (fol. 337v-338r, 363v-364v); Stephanus Bonaccursii (fol. 367v-368r); Thomas de Corsinis (fol. 193v-195v, 302r-303v); Thomas de Formaglinis (fol. 335r-336r); Thomas de Muraro (fol. 193v); Torellus de Torellis de Prato (fol. 258r-v, 263r-277r [Florentiae, ian. 1398], 368r-370v); Ubertus de Bobbio (fol. 235r-236r); Venantius de Durante (fol. 263r-277r [Florentiae, ian. 1398]); <Incerti auctores> fol. 27v-28r, 28v-30r, 38v-39r, 130v, 132r, 148r-v, 148v, 172r, 202v-203r, 203r-204r, 239r-240r, 252r, 325v-326v, 349r-350v, 371v-372r, 376v-378r, 380v-383r, 386 -v, 387r-v).

fol. 102r-108v, 294v-296r, 304r-305v, 328v-331r, 331r-v <Auctores varii, **Quaestiones**>, nominantur: Andreas de Monte Ubbiano, Quaestio 'Super puncto quod in dubium' (fol. 328v-331r [**Bibl.** Bellomo, *Problemi* 212 n. 18]); Benedictus de Barzis de Plumbino, Quaestio 'Statuto civitatis cavetur quod vir non possit' (fol. 102r-108v [Bononiae, 20 dec. 1395; **Ed.** A. Campitelli, 'Tre "Quaestiones" conservate nel MS. Vat. lat. 8069', *Studi in memoria di Giuliana D'Amelio*, 2 vols. (Università di Cagliari. Pubblicazioni della Facoltà di Giurisprudenza Serie I, vol. 20-21; Milano 1978) I 115-29 at 126-29 (also published in G. D'Amelio et al., *Studi sulle "quaestiones" civilistiche disputate nelle Università medievali* [Studi e ricerche dei 'Quaderni catanesi' 1: Catania 1980] 99-116.)); Egidius de Aretio, Quaestio 'Super puncto quod in dubium' (fol. 328v-331r [**Bibl.** Bellomo, *Problemi* 212 n. 18]); Jacobus Butrigarius, Quaestio 'Lege municipali civitatis Florentiae cavetur' (fol. 294v-296r), Quaestio 'Quidam paterfamilias habens fratrem' (fol. 304r-305v [**Ed.** Campitelli, art. cit. 125]); Lambertinus de Ramponibus, Quaestio 'Testator dedit in testamento' (fol. 331r-v [**Ed.** Campitelli, art. cit. 122]).

fol. 127v-128r <Incertus auctor, forsan **Bartolomaeus de Novaria**>, **Casus in quibus requiritur speciale mandatum**
(Rubrica) Casus in quibus requiritur speciale mandatum. (Textus) Nota casus in quibus requiritur speciale mandatum. Primus est in petendo ... (Finis) ut in Speculo de procu. § racione autem verso. Item quod sunt notata etc. (**Bibl.** M.

Piccialuti, 'Bartolomeo da Novara', DBI 6.740-41.)

fol. 155r-157v <Incertus auctor>, **Allegationes in causa defensionis pro inquisito**
(Rubrica prima) Allegationes in causa defensionis pro inquisito etc. (Textus) Etsi
coram tam preclaro uiro et famosissimo legum doctore ... (fol. 156r) (Rubrica
secunda) Forma articulandi super predicta defensione etc. (Textus) Coram uobis
etc. Iohannes Matthei etc. non reuocando procuratores suos ... (Finis) ad iurandum
et deponendum non tamen astringens se ad omnia et singula etc.

fol. 161v-162r **Franciscus de Albergottis, Tractatus de cicatricibus** (See Vat. lat. 2289
fol. 276vb-277ra for further information.) *Variants:*
(Rubrica) Tractatus de cicatricibus per dominum Franciscum de Albergottis de
Aretio.

fol. 177v-182v **Franciscus <de Aptis, Tractatus de portione canonica>**
(Rubrica) Nunquid episcopus debeat uel possit petere quartam de relictis piis locis
qualitercumque constructis siue cum autoritate episcopi uel sine et diuersis
nominibus nuncupatis. (Invocatio) In Dei nomine. Amen. (Textus) Quoniam (*om.*
cod.) aliqui curiosi contra doctrinam apostoli (*amplius cod.*) appetentes plus
sapere quam oportet ... (Finis) cum ad eos ut (*et doctores om. cod.*) corrigere
errores aliorum ut (*om. ed.*) preallegato c. *Qualiter* (X 5.1.17). Deo gratias et
matri eius uirgini gloriose. Amen. (Deo ... Amen. *om. ed.*) (Epilogus) Ego
Franciscus episcopus Clusinus (indignus et *add. ed.*) decretorum doctor minimus
... cum fuerit clarissimus in iure (lumen iuris *ed.*) secundum Guillelmum in
Speculo in prohemio. (**Ed.** TUI 15.2 fol. 193rb-194vb, where this work is
attributed to Lopus de Castillione. **Bibl.** Izbicki, 'Problems in TUI' 488-89, giving
the attribution to Franciscus de Aptis.)

fol. 196r-200r **Jacobus de Arena, <Tractatus de praeceptis iudicum>** (See Vat. lat.
2638 fol. iii^{rb}-v^{ra} for further information.) *Variants:*
(Finis) in aperto clarebit *pro* aperte carebit apparebit uel clarebit. (Subscriptio)
Iacobus de Arena. *add.* Deo gratias.

fol. 201r-v **Baldus <de Ubaldis, Lectura in>** l. *Clarum* (Cod. 5.59.4).
(Lemma primum) *Clarum* (*posteritati add. ed.*): Ista lex posita est in rubrica C. de
auctoritate prestanda. Et breuiter hoc dicit. Minor non potest esse in iudicio ciuili
uel criminali (In causis criminalibus minor non potest esse in iudicio *ed.*) ...
(Finis) et de confess. c. *Cum super* (X 2.18.2) Tene menti (*om. ed.*). (Subscriptio)
Baldus de Perusio legum doctor. (**Ed.** Baldus, *Opera* VI fol. 208rb-va.)

fol. 206r-v **Bartolus de Saxoferrato et Jacobus Butrigarius, <Tractatus> de forma
inventarii** (See Vat. lat. 2612 fol. 319ra-rb for further information.) *Variants:*
(Rubrica) Forma inuentarii. (Praefatio) Hec est forma inuentarii quam tradidit
domino Francischo Damiani de Pisis dominus Bartolus dominus Iacobus
Butrigarius (Invocatio) Christi *pro* Domini (Textus) S. *pro* A.; olim domini *pro*
quondam domini B. (Finis) se subscribit *pro* dicta domina S. herede et omnibus et

singulis suprascriptis etc. (**Bibl.** Van de Kamp, *Bartolus* 83, using the old numeration.)

fol. 356v <**Communis Aretina**>, **Reformatio**

(Rubrica) Copia reformationis facte Aretii super facto Castiglioneis. (Textus) Castelionis et eius districtus (districtu *cod.*) ZZ habent et pro dictis libris eorum cotidie grauentur ... (Finis) uenerunt ad iudicem ad huiusmodi conuentionem et pactum uidelicet quod scilicet omnes etc.

Cat. Dolezalek, *Verzeichnis* 2; Kristeller, *Iter* II 343. **Bibl.** P.E. Vigneaux, 'Notice sur trois manuscrits inédits de la Vaticane', MPFR 2 (1882) 308-55 at 309-26; A. Campitelli e F. Liotta, 'Notizia del MS Vat. lat. 8069', ASD 5-6 (1961-62) 387-402; Sella, 'Nuove sigle' passim.

The MS is written in a late Gothic cursive bookhand in black ink. Rubrics are red. Capitals are red with violet or blue with red decoration. Paragraph signs are red or blue. At fol. 1r is the title, 'Consiliorum codex veterum iurisconsultorum seculi XV'. Fol. 1b to fol. 2r contain an alphabetical table of contents in a more modern hand. Fol. 3r to 13v contain an index of 'incipits', the beginning of which is imperfect. This MS has a double numbering of folia, the more recent of which is followed in this analysis. The older is keyed to the table on fol. 1b-2r. Catchwords are framed and centered. For the watermarks, cf. Briquet nos. 5353, 11707, and 7965. The MS has a 19th-century parchment binding. Fol. 2v and 200v are blank.

Vat. Lat. 8079	saec. XV
-----------------------	-----------------

Scr. Innocentius de Spoleto (fol. 14-81); Bartholomeus (fol. 187-251).

<V> + 251 fols. chart. (memb.: <II>) 287 (202) x 212 (110) mm, origin Italy. Seniones, saec. XV.

<II>ra-vb <**Accursius, Glossa ordinaria in Codicem**>, fragmentum (Auth. *post* Cod. 4.29.21 v. *Neque obligare*, in med. -4.30.13 v. *Scriptis inserta* circa fin.) (**Ed.** of the full text, see Vat. lat. 1428 fol. 1ra-288vb.)

fol. 2r-9r <Incertus auctor, forsan **Johannes de Deo, Decretum abbreviatum**> (See Vat. lat. 2660 fol. 241v-244r for further information.) *Variants*:

<Rubrica deest.> (Textus) principales *add. post* partes (Finis) Et terminatur liber decretorum in duobus capitulis de Spiritu sancto. Explicit aureum decretum et sic breuiatum. Deo gratias amen. (Versus) Corrige peccatum, lacrimabile plange reatum ... Ea nullus est rationis inops es adpretians es. (Epilogus) <P>er predictos uersus potest haberi quot questiones sunt ... a magistro Gratiano monacho monesterii (*sic*) Sancti Felicis de Bononia anno domini M° c°. I. Laus Christo. Amen.

fol. 10r <Incertus auctor, **Commentum in D.1 Decreti Gratiani**>

(Rubrica) Prima distinctio. (Textus) Lex precepti est secundum naturam subiecte materie ... (Finis) proprius debeat haberi recursus uide notam de consuetu. c. fi. (X 1.4.11). ODER "NO." WIR SIND NICHT SICHER, DASS ES NOTAM IST

fol. 14r-81r **Ludovicus Pontanus, Singularia**

(Textus) <V>erbum 'omnino' intelligitur ipso iure ... (Finis) Et hoc addas ad dicta iura quia faciet tibi honorem (*ed.* 177a, no. 816) etc. (Colophon) Expliciunt dicta singularia famosissimi utriusque iuris monarce domini Lodouici Pontani de Roma Deo gratias. Amen. Die xi aprilis 1438 per Innocentium de Spoletio scriptum. (**Ed.** *Singularia omnium clarissimorum doctorum*, ed. G. Sarayna, 2nd edition (Lugduni 1560) 48-178. **Bibl.** Diplovatatus, *De claris iuris consultis* II 352-54; G. Kisch, *Enea Silvio Piccolomini und die Jurisprudenz* (Basel 1967) 77-81.)

fol. 81r <Incertus auctor, **Limitatio regulae**

(Rubrica) Limitatio regule rara et noua. (Textus) [Limitatio ad regulam] Regula quod minor in delictis non excusatur ... (Finis) in statuto puniente hoc delictum. (This short text is added in a humanist-influenced cursive after the end of the *singularia*.)

fol. 86r-111v, 114r-183v **Martinus <Garatus> Laudensis, Tractatus de principibus**

(See Vat. lat. 4916 fol. 7ra-43vb for further information.) *Variants:* <Praefatio, tabula, et rubrica textus desunt.> (Finis) (fol. 183r) uide supra in titulo de priuilegio et rescripto in conclusione 14. Amen. (Finis epilogi) a famoso Mediolanensi doctore domino Iohanne de Legnano didici Martinus Laudensis. Amen. (**Ed.** In comparison with Vat. lat. 4916, in addition to the preface being missing, TUI 16 fol. 278ra-vb and fol. 302rb-303rb follow TUI 16 fol. 456v-457rb.)

fol. 1 1 2r1 14r <**Martinus Garatus Laudensis, Tractatus de cardinalibus**>

(Textus) <C>ardinales dicuntur qui (ex quo *ed.*) sunt mundi cardines ... (Finis) Nemo potest esse cardinalis nisi sit saltem diaconus glo. in Clementinis 2. de etate et qualitate (Clem. 1.6.2). (**Ed.** TUI 13.2 fol. 59vb-60rb. **Bibl.** Izbicki, 'Problems in TUI' 490.)

fol. 187r-247r **Johannes de Lignano, Tractatus de bello** (See Vat. lat. 2639 fol. 226vb-245rb for further information.) *Variants:*

(Rubrica) Tractatus de bello (D. Iohannis de Lignano Mediolanensis *add. al. man.*). <Rubrica textus deest.> (Colophon) Deo gratias amen *praem. ante* Explicit; Legnano *pro* Lignano; Bon. *pro* Bononiensis IST DOCH DASSELBE SUBIIICERE subiiceretur pro subicere (The added part of the opening rubric seems to be by the same hand that added the running titles.)

fol. 247v-251v <**Tabula rubricarum Tractati de bello**>

Cat. Kristeller, *Iter* II 343. **Bibl.** Sella, 'Nuove sigle' 7, 12, 13.

Each of the major texts is in a different hand. The fragment of Accursius, on the only parchment folio of the codex, is in *littera bononensis*, probably of the 13th-century, with corrections in a contemporary hand. Long additions have been added in several hands. Incipits of laws are underlined; capitals are not enlarged; lemmata are underlined in red. In the margin at the beginning of each law stands 'l'. The *Decretum*

abbreviatum is in a cursive Gothic hand that changes at fol. 6v. There are no corrections or additions. ES GIBT RANDVERMEKRE AUCH FOL. 60v DORT WIE HIER SIND ES HINWEISE AUF DER INTU::: DER CAUSAE: Space was left at the beginning for an initial; several times spaces were left for other capitals, but most were added by the scribe. On fol. 7r an annotator added a note on marriage in a humanist-influenced cursive hand. The commentary on fol. 10 r is probably in the same hand as this abbreviation. The *Singularia* are in the Gothic cursive hand of Innocentius of Spoleto. There are very occasional scribal corrections. Space was left for an initial at the beginning. A contemporary hand added a few notabilia. The tracts of Martinus are in a formal cursive hand. An early modern hand added running titles in the upper margins, and this hand and at least one other added occasional notabilia, including 'Bononia' and 'Papia' beside a chapter referring to them. Space remains for an initial at the beginning. Within this section there is a medieval foliation, running 1-23, in the upper right corner beside the early modern foliation followed here. The tract of Johannes is in a formal cursive hand, with scribal corrections. An initial at the beginning, and subsequent chapter capitals are missing. A different hand added occasional notabilia. There are running titles, probably in the same hand as those of the preceding piece. The table that follows is in the same hand that wrote 'Bartholomeus' at the end.

The texts are in dark brown ink. Catchwords are generally centered and decorated; from fol. 188, the gatherings are quinions and the catchwords are perpendicular at the lower right. On the inside front cover, in an early modern hand, is 'Misc. Arm. III. n. 9J (J2 ?)/ de Lodovico Pontano JC item de Johanne Lignano et Martino Garrato uide Biblioth. med. et inf. Latin. Fabricii Johanne de Legnano p. 143. 4', and then, at the right 'vide hic p. 81. 183.4'. On <I>r an early modern hand printed 'Lignanus de Iure Belli et Est Originale et alia.' On <II>rb, in the upper margin above the Accursian fragment, in a medieval cursive hand, is 'Floribus excussis ennas per prata vagans urgebit coluber remeare paludes. § Prohemia p. y d. ducis contra venetos.' On fol. 13r the same early modern hand that wrote the running titles in the Martinus and Johannes tracts wrote 'Lodovici Pontani IC dicta singularia'; otherwise the folio is blank. Throughout the codex there are grotesques and occasional sketches. For the watermarks, cf. Briquet 5353 and 15477. The MS has an old, non-Vatican, parchment binding. <I>v, <III>r-<VI>v, fol. 1r-v, 9v, 10v-12v, 13v, 81v-85v, and 184r-186v are blank.

Vat. lat. 8117	saec. XVI.2
-----------------------	--------------------

antea Litt. u.

<II> + 573 fols. + 565b chart. 275 (128) x 205 (100) mm, origin Italy (Rome). Quiniones, saec. XVI.2.

ZWISCHEN 565 UND 566 SIND 19 LEERE FOLIOS

NACH <I> NOCH 9 Iv-Xv BLANK

<I>, fol. 1-565 **Antonius Augustinus, Repertorium <decisionum Rotae>**

(I) (Rubrica TITULUS VOLUMINIS) Antonii Augustini Repertorium (p. 1) (Rubrica secunda) <De> accusationibus. (Textus) Iudex criminalis cause non potest absolviendo reum a crimine condemnare ... (Finis) Institutio per sententiam factam sine edictis ualet. Put. xviii. de iure patronatus.

fol. 566-571 <**Index in priorem librum epitomatarum**>

Cat. Kristeller, *Iter* II 344. **Ed.** Agustín, *Opera* VI 595-80; **Bibl.** Sella, 'Nuove sigle' passim; A. Bernal Palacios, 'Alfonso de Soto y Anonio Agustín en el MS Vat. lat. 8158'. BMCL 17 (1987) 95-103 at 101; see also Vat. lat. 6220 fol. 217r-404v for further information.

The work is divided into two parts, but it follows the division in three books of the edited text (Pars I = Book I; Pars II = Books I-II). On p. 399 is the rubric: 'Liber IIs Epitomatarum decisionum Rotae ad Regulas Cancellariae Apostolicae et extrauagantes a Ioanne xxii ad Iulium tertium'. Book I is very similar to the edited text while Books II-III differ to some degree. The work is written in one very neat and clear secretarial hand. There are no decorations or catchwords. For watermarks, cf. Piccard no. 890-913. The MS has a black leather binding with gold stamped decoration. <II>, pag. 8, 16, 22, 26, 35, 42, 46, 71, 76, 150, 156, 398, 565b, and 572-573 are blank.

Vat. lat. 8118	saec. XVI.2
-----------------------	--------------------

antea Armar. ZZ LK. Ord. 1° Litt. t.

<VII> + 304 fol. chart. 278 (215) x 210 (105) mm, origin Italy. Quiniones, saec. XVI.2.

<Ir-VIIr> fol. 1r-304r (rectius 1r-199v, 243r-267v, 282r-304r, 200r-242v, 268r-281v)

Antonius Augustinus, Repertorium <decisionum Rotae>, imperfectum (See Vat. lat. 8117 for further information.) *Variants:*

VOR <I> IST NOCH EIN BLATT MIT DER SIGNATUR UND NOCH <VIII> ODER <VII> 2FOL BLANK

(fol. 1r) (Rubrica) Repertorium Antonii Augustini. (Finis) Symoniacus triennalis patitur sequestrum post primam sententiam. Cassad. e. SCHLECHT KOPIERT de acqui. poss. simo. 80 alias_30. Cassad. prima de Simonia. FOL. 281v: Hec regula annullat etiam resignationes preteritas Mo 301 non regula Iulii 3ⁱⁱ que de cetero cancellat (Subscriptio) A A.

Cat. Kristeller, *Iter* II 344. **Ed.** Agustín, *Opera* VI 595-80. **Bibl.** A. Bernal Palacios, 'Alfonso de Soto y Antonio Agustín en el MS Vat. lat. 8158', BMCL 17 (1987) 95-103 at 101, see also Vat. lat. 6220 for further information.

This copy of Agustin's *Repertorium* is very incomplete and quite chaotic in its binding. Because there are many texts missing, including some very important ones, it is probable that some folios were lost before binding. This MS follows a different order than the edited text. It has two parts: Pars I has Book I of the edition (very incomplete), but with some intercalated titles (not all) of the edited Book III. On fol. 200r Book II starts with the short rubric '<De> Regulis Cancellariae'. It is also very incomplete. There is no third Book. The work appears to be written in two secretarial hands (Ir-100v; 101r-304r). There are no decoration or catchwords. There are three watermarks: 1) Briquet no. 6683; the other two, unknown; are 2) bird in a circle, and 3) dragon or griffin on a shield. The MS has a soft parchment binding with leather straps. VIIv, fol. 128v, 301r-v, and 304v are blank. Front cover: Antonii Augustini Repertorium iuris civilis et canonici Armar. IX ord. 1° litt^a t.

Vat. lat. 8121	saec. XV (1444)
-----------------------	------------------------

antea 34. **Prov.** Perugia, Convent of S. Domenico O.P.; Leonardo Mansueti O.P.; Pietro da Monte, bp. of Brescia 1442-1457. **Scr.:** Bruno Johannis de Davantria.

<I> + 367 fols. memb. 222 (157) x 156 (100) mm; origin France (Bourges).

Quaterniones, saec. XV (1444).

fol. 2v-238r <**Bonifacius VIII, Liber sextus**> imperfectus (See Vat. lat. 1394 fol. 1ra-116vb for further information.) *Variants:*
<Inscriptio deest.> (Finis) contempnens *pro* complectens (Datum) Datum *pro* Data.

fol. 2r-239v **Johannes Andreae, <Glossa ordinaria in Librum sextum>**, imperfecta (See Vat. lat. 1394 fol. 1ra-116vb for further information.) *Variants:*
(Textus) /// poni quia oportuisset multos libros destrui ... (Colophon) Explicit apparatus domini Io. An. VI. li. decretalium. Bruno Iohannis decretorum doctor scripsi Bituris in partibus Gallicanis hunc sextum librum decretalium reuerendissimo domino meo Petro de Monte episcopo Brixienſi nec non sanctissimi domini nostri domini Eugenii diuina prouidentia pape quarti anno sui pontificatus quartodecimo legato in partibus christianissimi Karoli regis Francorum et in predicta ciuitate Bituricensi feci finem istius operis anno a natiuitate Domini Millesimo quadringentesimo quadragesimo quarto indictione septima die uero xvii mensis augusti.

fol. 242r-356v **Clemens V, Constitutiones Clementinae, imperfectae** (See Vat. lat. 1401 fol. 1ra-60rb for further information.) *Variants:*
<Inscriptio, praefatio et inscriptio textus desunt.> (fol. 356v) (Colophon) Explicit textus Clementinarum. (fol. 365v) Explicit textus constitutionum bone memorie Clementis pape quinti scriptum in ducali ciuitate Bituricensi per manus Brunonis Iohannis de Dauantria de Alamania Traiectensis diocesis prouincie uero Coloniensis patricii ? decretorum doctoris pro reuerendissimo domino meo Petro de Monte episcopo Brixienſi sanctissimi in Christo patris et domini nostri domini Eugenii diuina prouidentia pape quarti [in regno Francie] et sancte sedis in regno Francie cum plena potestate legati (*sic*) de latere nuntio et ambassiatori apostolico anno a natiuitate Domini Millesimo quadringentesimo quadragesimo quarto indictione septima die conuersionis sancti Pauli [25 ian.]. Ego Bruno Iohannis etc. (**Bibl.** Kuttner, 'Saepe' 441. In this MS, a class C. 5.11.1 *Exivi* and 5.11.2 *Saepe* are reversed.)

fol. 241r-360v **Johannes Andreae, <Glossa ordinaria in Constitutiones Clementinas>** imperfecta (See Vat. lat. 1497 fol. 1ra-68rb for further information.) *Variants:*
(Textus) /// uirtutes et uicia extirpanda ... (Colophon) Amen. Iohannes Andree summus decretorum doctor.

fol. 361r-365v **Clemens V, Const. Exivi** (Clem. 5.11.1)

Bibl. Cf. *Colophons de manuscrits*, ed. Bénédictins de Bouveret I 297 nos. 2367-2371; T. Kaeppli, *Inventari di libri di san Domenico di Perugia (1430-80)* (Rome 1962) 208; Tarrant, 'Clementinae' II 124 and 140; Miethke, 'Schriften des Juan González' 287 n. 36.

The MS is written in the late Gothic bookhand of Bruno Iohannis de Davantria in black ink. Text and apparatus are written alternately in single columns, with text and lemmata in a larger script than the apparatus. There are sparse annotationes, possibly by Pietro da Monte, accompanying the early sections of the ordinary gloss on the Sext. Modern pen tries appear at the bottoms of several leaves. The opening

leaves of the Sext and Clementines have been removed for their miniatures. Each title begins with a foliate initial. Several have been torn out, damaging fol. 71, 89, 95, 107, 168-71, 182, 195, 293, 295, and 334. Rubrics are red. Capitals are red with dark, possibly blue, (**DARK BLUE; AB 247 VIOLET**) decoration, and blue with red. Paragraph signs are red or blue. At <I>v is written, 'Sextus et Clementine'. At fol. 1v is written, possibly by Leonardo ser Uberti O.P., who did the inventory of Mansueti's MSS, 'Iste liber est reuerendissimi patris magistri Leonardi de Mansuetis de Perusio sacri theologi ordinis fratrum predicatorum quem emit ex pecuniis per eum suo studio et labore quesitis ac sibi iure concessis'. At fol. 239v the same hand has written, 'Liber iste est magistri Leonardi de Perusio ordinis predicatorum'. The MS has an early 19th-century leather binding. <I>r, fol. 1r, 240r-v, and 366r-367v are blank.

Vat. lat. 8158	saec. XVI.2
-----------------------	--------------------

368 fols. chart. 280 (190, 220) x 210 (100, 110) mm, origin Italy? Quiniones, saec. XVI.2.

fol. 1r-118v <**Antonius Augustinus, Repertorium decisionum Rotae**>

(Rubrica) De regulis Cancellariae. (Textus) Regulae ligant statim ante publicationem ... (Finis) indulta Cardinalium intelliguntur de beneficiis in quorum possessione conferendi existunt. Put. 4. de priuil. A.A. Finis. (**Ed.** Agustín, *Opera* VI 595-680. **Bibl.** See Vat. lat. 6220 fol. 217r-404v. This MS does not follow the order of the edited text or that of the other Vatican MSS. The order of its books is II-III-I. The text appears to be less complete than the edited version. Titles I, 32-55, 61 cc. 3-4, 62-85: III, 9-14, of the edition are missing in the MS.)

fol. 125r-368r <**Alphonsus de Soto, Commentaria in regulas cancellariae Innocentii VIII**>

(Rubrica) De regulis cancellariae prooemium. (Textus) Hic unus curiosus R.P. dubitauit ubi ego non dubito ... (Finis) tamen quit concernit potestatem uicecancellarii, et stilatur contrarium, nunquam daretur sine commissione per placet uel per pertinet et redent. Deo gratias. (**Ed.** Jean de Chokier, *Commentaria in Regulas Cancellariae Apostolicae, siue in Glossemata Alphonsi Sotto, glossatoris nuncupati* (Coloniae 1621). This copy varies from the edition in two aspects: 1) the commentary to the last *regula* (no. 70) is missing in the MS; 2) the text edited by Chokier does not contain some of the personal references made by A. de Soto that are in the MS and (it seems) in the editions of the 15th and 16th centuries.)

Bibl. A. Bernal Palacios, Alfonso de Soto y Antonio Agustín en el MS Vat. Lat. 8158', BMCL 17 (1987) 95-103.

Each work is written by two scribes, with changes of hand at fol. 111r, 125r, and 245r. The hands are forms of early modern secretarial cursive. The ink is brown. There is no decoration. There are three watermarks: 1) three moons on a shield, 2) Briquet 674, and 3) Piccard 890-913. The MS has a parchment on cardboard binding, with two leather straps. There are many blank folios, possibly reserved for the *Regulae Innocentii VIII*. Fol. 119r-124v, 131v-132v, 136r-v, 140r-v, 146r-v, 148v, 152r-v, 168v, 172r-v, 176r-v, 179v-180v, 186r-v, 196v, 200v, 206r-v, 209v-210v, 214v, 220v, 222v, 234v, 240v, 252v, 264v, 282r-v, 286v, 290r-v, 294r-v, 296r-v, 302v, 304r-v, 310v, 312r-v, 316v, 318v, 322r-v, 328v, 330r-v, 332r-v, 334r-v, 336r-v, 338v, 340v, 342v, 346r-v, 356v, 360v, 362r-v, 364r-v, and 368v are blank.

Vat. lat. 8554	saec. XIV
-----------------------	------------------

Prov. Baptista de Brindis

a + 318 fols. + 175a memb. 421 (319) x 254 (186) mm, origin Italy (Bologna?).

Quiniones, saec. XIV.

fol. a^{ra}-317rb **Guillelmus Duranti, Speculum iudiciale** (See Vat. lat. 2339 fol. 4ra-128vb, 130ra-365ra for further information.) *Variants:*
(Colophon) Explicit speculum iudiciale magistri Guillelmi Duranti compositum ad communem hominum utilitatem. Finis Laus Deo.

fol. 317va-318ra <**Tabula titulorum**>

Bibl. Ascheri, 'Consilium Sapientis' 570; A.M. Stickler, 'Vergessene Bologneser Dekretisten', *Salesianum* 14 (1952) 476-503 at 480 n. 13; B. Paradisi, 'Le glosse di Bartolo da Sassoferrato', in *La critica del testo* (Atti del II Congresso internazionale della Società Italiana di Storia del Diritto; Firenze 1971) 575-618 at 583, 612-13.

The MS is written in a tiny Gothic bookhand in dark brown ink. It is in a single hand until fol. 317ra. The last folio has been replaced by a 15th-century copy in a neat humanist hand. The text is corrected in the margins by the scribe. There are also a few notabilia in a cursive hand. Lengthy annotations on fol. 156-157 are signed 'B'to (Barto) d'Sasoferato' and 'B d' sa.fe.'. Fol. 1ra opens with a small miniature of the author presenting his work. The text opens with an historiated initial in acanthus design on a square field with design elements extending the length of the inner margin and continuing into the bottom margin. Display script fills the written space to the right of the initial. Books II and III have similar opening initials, but Book IV has only a small initial appropriate to the beginning of a chapter. The *particulae* of Book IV again have initials similar to the book letters. Small decorated initials on a square field start each chapter. Rubrics are red. Capitals and paragraph marks alternate red and blue, the former with elaborate line decoration in the contrasting color. Running titles consist of 'L' and the book number in Roman numerals; in Book IV, many titles are corrected from 'III' to 'IIII'. The books each have their own old foliation with a slightly newer continuous foliation replacing them. The index on fol. 317va-318ra is keyed to the latter. The same hand that did the foliation added text headings in the upper outside corner to correspond to the index. Pecia marks are visible throughout e.g. fol 11rb. Framed catchwords are at the lower right. The MS has a 19th-century parchment binding. Fol. 200v and 318v are blank. 317rb: "Liber mei Baptiste de Brindis aduocati".

Vat. lat. 8555	saec. XIV
-----------------------	------------------

231 fols. memb. 404 (317) x 257 (200) mm, origin France (?). Seniones, saec. XIV.

fol. 1ra-231ra **Innocentius IV, Apparatus in Decretales** (See Vat. lat. 1439 fol. 1ra-224rb for further information.) *Variants:*
(Rubrica) Incipit prohemium apparatus Innocencii quarti. (Praefatio) inplebuntur *pro* conplebuntur <Rubrica textus deest.> (Finis) ut hic *om.* Explicit liber quintus Innocencii.

The MS is written in a formal Gothic bookhand in black ink. *Notabilia* are picked out in the margin by the scribe. The text has been lightly corrected by the scribe and at least two others writing in cursive scripts. Brief glosses occur infrequently in several cursive hands. LEMMATA MOSTLY YELLOW WITH THE EXCEPTION OF FOL. 24v and from 139r or red (37r-138v) underlined. The lemmata *Gregorius* and *Rex pacificus* are placed just before *Firmiter credimus*. Fol. 1ra opens with a large illuminated initial in a square frame. Books II through V open with similar initials. Chapter capitals are blue or red with penwork decoration in the contrasting color. Paragraph marks are red or blue; rubrics are red. Catchwords are at the lower right. At the top of fol. 1r is the modern note 'MSS. saeculi decimi quarti desinentis'; glued to the bottom of the folio is a scrap with the title 'Innocenzo papa IV Decretali del secolo XIV'. The last few folia are badly stained; fol. 231 has been largely cut away, leaving only the upper half of the first column. The parchment binding is from the 19th-century. Fol. 231v is blank.

Vat. lat. 8569	saec. XV (1485)
-----------------------	------------------------

Prov. 'S. Andreas Romae'.

294 fols. chart. 432 (262) x 288 (183) mm, origin Italy. Quiniones, saec. XV (1485).

fol. 2ra-294ra **Bartolus <de Saxoferrato>, Lectura in primam Digesti veteris partem** (Praef.-11.8.4) (See Vat. lat. 2594 fol. 1ra-242rb for further information.)

Variants:

(Praefatio rubricae) Rubrica hec simul (Colophon) Bartholus legum doctor excel. Deo gracias. 1485. Explicit prima pars lecture domini Bartoli.

Cat. Dolezalek, *Verzeichnis 2. Bibl.* Calasso, 'Bartolo' 645.

The text is in a late Gothic bookhand, in dark brown to black ink. Throughout, especially early on, there are marginal annotations in several late cursive hands; some of these supply lacunae. e.g., fol. 45rb, 56va-57ra. There is a large, elaborately illuminated 'R' at the opening of the text, fol. 2ra. The top half of this leaf is blank, perhaps to have been filled by an illumination. Many capitals and section heads are blank or unfinished. The 'R' and most capitals and section heads have bled through to the reverse faces of the leaves. On some instances, e.g., fol. 73r, the text itself has bled through. On some leaves, such as fol. 95v, the ink exhibits an uneven intensity. Catchwords are centered. Fol. 67va-68rb have red and blue paragraph signs. On fol. 2r and 293v is the Ex libris 'S. Andreas Romae', perhaps S. ZZ Andrea della Valle. Foliation follows the modern stamped enumeration at the bottom right of each recto. Fol. 294r also has '284' written at the top right. Fol. 1 and 294 are partially missing. For the watermarks, cf. Briquet no. 11727. The binding is 19th-century parchment. Fol. 1r is blank except for a mutilated note on the contents of the manuscript and 'AA'; fol. 1v and 29v are blank. EX LIBRIS ? IST EIN STEMPEL

Vat. lat. 8601	saec. XV (1448)
-----------------------	------------------------

Scr. Michael de Spira.

<I> + 489 fols. - 393 + 427a - 437 + 452bis, in 2 vols. (I= <I> + fol. 1-276, II= fol. 277-489) memb. (chart. fol. 1) 157 (98) x 110 (76) mm, origin Italy. Quiniones, saec. XV (1448).

fol. 1ra-483rb <**Bartholomaeus de Sancto Concordio O.P., Summa de casibus conscientiae**> (See Vat. lat. 2319 fol. 1ra-239va for further information.)

Variants:

(fol. 483ra) (Finis) Amen. add. (Colophon) Istud opus fuit scriptum et consummatum per me Michaellem de Spira in arce Cittonie. Anno domini M^o CCCC^o xlviii, V^a die mensis iunii hora uesperarum. Ad laudem Dei et honorem uirginis gloriose Marie et sancti Francisci. (fol. 483rb) Explicit summa magistrucii Deo gratias Amen.

fol. 483rb-487va <**Tabula alphabetica Summae Bartholomaei de Sancto Concordio**>

The MS is written in a single fine late Gothic bookhand in graybrown ink. It has been bound in two parts (fol. 1-276 and 277-490), with the shelfmark written in the lower margin of the first folio of each volume. The Summa opens with a miniature of the madonna and child, in an ornamental frame with a full-page border. The initials opening each section are in gold, red, blue, and green, with heavy foliate decoration. Other initials are red with violet or blue with red penwork decoration. The rubric at the start of the table is red. Paragraph signs alternate red and blue on fol. 1r and 11r, then red only until the table begins on fol. 483. Catchwords are at the lower right, near the binding the quires are marked with alphanumeric symbols (a1-5, etc.), at the lower right of the recto to fol. 266, in the upper right corner thereafter. There are a few corrections. A later hand has sporadically added with a pencil a second set of foliation numbers, attempting to correct omissions and duplications; the older, smaller set of numbers is followed here. The MS is bound in 19th-century parchment. Fol. 488r-49v are blank.

Vat. lat. 8697	saec. XV
-----------------------	-----------------

ZZ Scr. Wilhelmus Haerlem.

318 fols. chart. 418 (287) x 288 (177) mm, origin Italy (?). Quiniones, saec. XV

fol. 1ra-318rb **Jacobus de Zochis, Lectura in Librum IV Decretalium**

ZZ (Rubrica, *al. man. recentiori*) Iacobi de Zocchis iuris consulti celeberrimi super 4^o Decretalium lecturae. (Praefatio) <Q>uoniam omnis ratio superne creature uel terrene scientie in Deo est ... (Textus) <D>*e Francia*: Matrimonium consensu contrahitur licet consuetudo patrie non seruetur ... (fol. 318ra) (Finis) Nos amatores faciat castitatis ceteras in nos faciat (fol. 318rb) uirtutes assistere quibus mediantibus intercessione beatissime uirginis Marie ad gloriam peruenire [ue]mereamur etc. (Colophon) Amen. "AMEN" = COLOPHON OR FINIS CFR 8746 LAUS DEO = FINIS Explicit lectura domini Iacobi de Zochis de Ferraria super 4^o decretalium etc. utriusque iuris doctor. Wilhelmus Haerlem scripsit istam lecturam.

Bibl. Schulte, *Geschichte* II 327-28.

The MS is written in black ink, in a single Gothic cursive hand. Space was left for initials which were never added; rubrics are in ink. The opening rubric was added much later, at the top of a space left for a miniature. Catchwords are at the lower right. There are occasional notations, e.g. on fol. 3r, 248r, and 255r. For the watermarks, cf. Briquet nos. 11684 and 2715. On fol. 1r and 318r are the stamps of the Vatican library and the Bibliothèque Nationale, the MS was among those seized from the Vatican library by the French and returned in 1815. The MS is bound in 19th-century parchment. Fol. 318v is blank except for the notations 'ducati xiii' and 'quinterni 32 / 2663' near the binding.

235 fols. + 208a chart. 219 (170) x 160 (116) mm, origin Italy. Quiniones, saec. XVI.

fol. 51r-207v **Mattheus de Ubaldis, Repetitio I. *De caducis tollendis*** (Cod. 6.51.1)
 (Inscriptio) Angelo de Ubaldis filio dilecto. (Praefatio) Sepositis de more registris et iuditorum strepitu quiescente ... (fol. 58r) <Tabula> ... (fol. 59r) (Rubrica) Repetitio I. unicae C. de caducis tollendis per Mattheum de Ubaldis utriusque iuris doctorem Perusinum. Rubrica de caducis tollendis. (Textus) Glosa rubrice bene continuat ad precedentia. Nam in titulis precedentibus ... (fol. 207r) (Finis) ex dictis Cyni poteris supplere defectus meos quamuis credam non inutiliter explicuisse. Laus Deo. <Emendanda> ... (fol. 207v) (Colophon) Impressum Romae per Iohannem Besicken anno salutis M.D.V. die uero xvi. mensis Octobris. Sedente Iulio secundo pontifice maximo anno eius secundo. (**Ed.** Although a manuscript, this is obviously a copy of the printed book identified in the colophon.)

fol. 209r-235r **Martinus de Fano, O.P., Tractatus super iure emphyteutico**
 (Rubrica) Incipit tractatus domini Martini de Fanno super iure emphyteotico. Prima quaestio. (Textus) Quia saepe de iure emphyteotico dubitari et questiones plures oriuntur ... (Finis) de suo mendacio puniatur nec posset se ulla exceptione tueri. Deo gratias. Amen. (**Bibl.** Kaeppli, *Scriptores* III 110 no. 2948. See also Vat. lat. 6935 fol. 1ra-5va for a discussion of highly similar texts.)

The codex is a composite of three distinct parts. The first part (fol. 1r-50v) is actually a printed book: Angelus de Ubaldis, *Angeli de Perusio sollemnis repetitio I. Si vacantia C. de bon. vacant. lib. 10 ... a Camillo Salerno additionibus et alphabetica indice aucta et illustrata* (Raymundus Amatus & Ioan. du Boy socii Napoli 1566). The references to this MS in Sella, 'Nuove sigle' are to the printed additions in this book. Part II (fol. 52r-207v) is written in a 16th-century secretarial cursive in black ink with no color; part III (fol. 209r-235r) is in a different cursive with red rubrics, initials, and paragraph marks. Part III has an earlier independent foliation in large Roman numerals. For the watermarks, cf. Briquet no. 7116. Fol. 51r and 208a^r are title pages for the second and third parts, both done in an elaborate late Gothic script. The MS has a 19th-century parchment binding. Fol. 51v, 58v, 208r-v, and 208a^v are blank.
ES GIBT ROTE § BIS 83r EINIGE GROSSE BUCHSTABEN MIT ROTEM STRICH ODER AUF ROT BEMALTEM GRUND

antea 8718. **Prov.** 'Roderigus'.

1 + 96 fols. memb. 304 (217) x 215 (140) mm, origin Italy. Quaterniones, saec. XIIlex.

fol. 1ra-46vb **Leges Langobardorum <vulgatae>**
 (Rubrica) Incipit liber primus legis Longobardorum. De maleficiis et publicis criminibus. (Inscriptio) Rex Rothar. (Lex prima, *add. ed.*). (Textus) Si quis contra animam regis cogitauerit aut consiliatus fuerit ... (Finis) diaconorum

episcoporum presbyterorum filios notarios sculdacios comites iudices fieri omnibus modis prohibemus. (Colophon) Liber Longobardorum explicit. (**Ed.** *Leges Longobardorum cum argutissimis glosis Caroli de Tocco*, introd. G. Astuti (Venetiis 1537, anast. repr. Torino 1964), adding at its fol. 231rb-232rb a text of Lothair following the ending found in this MS. **Bibl.** MGH LL. IV, edd. F. Bluhme et A. Boretius, ciii (siglum 5), 623-28. Inscriptions are often in the margins.)

fol. 1ra-46vb ZZ marg. <Incertus auctor, **Glossae in Leges Langobardorum**> (**Bibl.** D'Amelio, *Indagini* 53(-54) n. 89.)

fol. 47ra <Incertus auctor, **Versus de legibus Langobardorum**> (Textus) Rothar iura dedit quae lector prima uidebit ... (Finis) affirmans signo iurat et hoc alio. (The whole text is in red ink.)

fol. 47ra-48vb <**Justinianus, Codex**, excerpta> (Inscriptio) Imperator Constantinus Augustus ad populum. (Textus) Habeat unusquisque licentiam sanctissimo catholico uenerabilique concilio decedens bonorum ... (Finis) nisi debitum fuerit <probatum>. (This collection contains: Cod. 1.2.1, 1.14.5, 1.14.6, 2.1.1-2.1.4, 2.3.6, 2.3.4, 2.3.23, 2.3.20, 2.4.16, 2.4.19, 2.4.26, 2.4.29, 2.4.42, 2.7.4, 2.9(10).3, 2.10(11).1., 2.19(20).11, 2.19(20).12, 2.20(21).2, 7.32.10, 7.32.12, 7.33.1, 7.33.4, 7.33.6, 7.34.3, 7.34.4, 7.35.3, 7.35.4, 7.36.1, 7.39.2, 7.40.2, 7.42.2, 7.50.2, 7.56.2, 7.57.2, 7.58.1, 7.59.1, 7.60.1.)

fol. 49ra-91ra **Justinianus, Institutiones** (See Vat. lat. 1432 fol. 1ra-78rb for further information.) *Variants:* <Rubrica deest.> (Praefatio) magestatem pro maiestatem (Finis) uobis pro nobis; adfutura pro aduentura <Colophon deest.> (At the end of the text, 'Finis institutionum' is added in a modern hand.)

fol. 49ra-91ra ZZ marg. <Incertus auctor, **Glossae in Institutiones**> (**Ed.** F. Patetta, *Studi sulle fonti giuridiche medievali*, introd. G. Astuti (Torino 1967) 110-16, with a description of this MS at 57-60 (siglum Vat.); S. Caprioli et al. *Reliquie preaccursiane I* (Roma 1978), passim (siglum V). **Bibl.** *Abbreviatio Institutionum et excerpta de verbis quibusdam legalibus*, ed. F. Patetta, in *Scripta anecdota antiquissimorum glossatorum*, edd. A. Gaudenzi et al., 3 vols. (Bononiae 1892) II 117-37 (Siglum *Gl.Vat.Inst.*); Caprioli, 'Tre capitoli' 270 n. 260.

fol. 73va ZZ marg. <Incertus auctor, **Summula in tit. De suis et legitimis heredibus**> (Dig. 38.16) (Textus) Antiquitus quatuor erant uias (*sic*) que disponebant successionem ... (Finis) uel uxor uiro in certam succedit portionem c. de exhibendis et introducendis (Coll. 5.6 = Nov. 53). (This text is added by one of the major glossators of the MS.)

fol. 91rb-94va <**Leges regum Normanorum et Svevorum**>

(Praefatio) Dignum et necessarium est, o proceres si quod de nobis et uniuersi regni nostri statu meritis non presumimus (fol. 91va) (Rubrica textus) De legum interpretatione. (Textus) Leges a nostra maiestate nouiter promulgatas, pietatis intuitu asperitatem nimiam mitigantes ... (Finis) regie misericordie et prouidentie subiacebit. (Ed. F. Brandileone, *Il diritto romano nelle leggi normanne et sveve del regno di Sicilia* (Torino 1884), repr. in D. Brandileone, *Scritti di storia giuridica dell'Italia meridionale*, ed. C.G. Mor (Società di storia patria per la Puglia. Documenti e monografie 34; Bari 1970) 317-413, with an edition from this MS at 381-99. One quarter of the first column is blank, reserved for a rubric.) VERALTET !

fol. 94va-95rc <**Bulgarus ZZ Excerpta legum**>, imperfecta (See *Vat. lat. 8100 fol. 1r-5v for further information.) *Variants*:

(Rubrica) De arbitris. (Finis) quantum (quatinus *cod.*) uidebitur equum religioni iudicis iudicantis de ea re. (Ed. Wahrmund, *Processus* IV.1 1-17 to 10. **Bibl.** Fowler-Magerl, *Ordo* 35-40, 63. This text has been added in a much smaller, slightly later hand. The text has been squeezed into three columns on fol. 95r to make it fit.)

fol. 95va-96va <Incertus auctor, forsan **Geraudus, De natura actionum**>

(Rubrica) De actionibus. (Textus) Quoniam eorum desideriis quibus difficile uidetur naturam accionum (actionum *cod.*) in Romane legis codicibus diffusarum agnoscere satisfacere cupio ... (Finis) alienata sunt reuocantur fructus quoque restituuntur. (Ed. H. Fitting, *ZZ Juristische Schriften des früheren Mittelalters aus Handschriften meist zum ersten Mal herausgegeben und erörtert* (Halle 1876; anast. repr. Aalen 1965) 117-27. **ZZ Bibl.** A. Gouron, 'Primo tractavit de natura actionum Geraudus: Studium Bononiense, Glossateurs et pratique juridique dans la France méridionale', *Chiesa diritto e ordinamento* 202-15, attributing this work to Geraudus; Fowler-Magler, *Ordo* 165-67. This text was also added in the small hand as the previous; however this is better spaced.)

Bibl. P. Torelli, *Scritti di storia del diritto italiano* (Milano 1959) 47 no. 24, 67, 101; Dolezalek, 'Geheimnis' 148, 153(-154) n. 14, 193; idem, *Repertorium* I 434-35 et passim.

The MS is written by several scribes in a late Carolingian minuscule in black ink. The *Lombarda* and the Institutes have been glossed in two hands (e.g. fol. 17va). Several glosses on the Institutes end with signs in the form of \underline{g} (e.g. fol. 50ra-rb). A brief notice on Bulgarus appears in a gloss on fol. 78rb. Fol. 1ra opens with a rough Romanesque white vine initial in red and ink. In the lower margin of the folio is a coat of arms: red, divided horizontally by a blue band bordered in gold, above half a lion rampant and holding a cross. Fol. 49ra has an opening 'T' formed of an elaborate drawing of a man caught in a tree, the whole done only in ink. Capitals, rubrics, and paragraph marks are red. Some capitals are missing. <I> is a paper leaf with part of an older leaf attached, on which the text begins 'Interpretationes quarundam uocate Langobardorum ex legibus regum eorum. *Garathine*: donatio ab uniuersitate ///' The text continues onto the verso, ending 'populus tamen et comes loci non possunt(?) ///' Illegible notes appear on fol. 5v and 13v in the same hand as on <I>r-v. A monogram 'Rodericum' appears in the margins at fol. 31vb and fol. 39vb. A later hand wrote at fol. 39ra 'uulgo Barth. in Lombardia'. According to Bluhme, the Vatican Library purchased this MS in 1845. Quires are irregularly marked with catchwords, some are apparently cut away. Their placement is irregular. The first four quires are also marked by letters, encircled with an elaborate

decoration, to the right of the catchword. The MS has an old parchment binding with the old shelfmark '8718' as well as the present shelfmark.

Vat. lat. 8946	saec. XV.2
-----------------------	-------------------

I + 148 fols. chart. 121 (96) x 98 (71) mm, origin Italy. Quiniones, saec. XV (1469) (fol. *1-*13); XV.2 (fol. 1-147)

fol. *2r-*12v <Incertus auctor, **Interrogatorium**> (Italice)
(Textus) A deuotione de ciascheuno peccatore ac deuote persone me so ingegnato de fare ... (Finis) uale ad multe cose secondo doctori. Deo gratias. Amen.

fol. *13r <**Fratres loci s. Juliani et s. Johannis prope Roccam di Monte Piano, Epistolae**> (1467)

fol. * 13v <Incertus auctor, **Adnotationes ex confessionali quodam**> (Italice)
(Rubrica) Del ballare c. 12. (Textus) Ballare o cantare o sonare o simili giochi fare ... (Finis) e. c. §. 4.

fol. 1r-68v **Angelus <de Periglis, Tractatus de societatibus>** (Italice)
(Invocatio) Christi nomine inuocato. (Rubrica) Se e licito per mino del iusto comprare ... (Textus) Domandase se e licito comprare la cosa minore presio che il iusto ... (Finis) allora il danno e guadagno deue essere comune. (Colophon) Tucte le cose predite sonno del tractato de miser Angelo da Perusio. (**Ed.** Cf. TUI VI.1 fol. 130vb-132vb.)

fol. 69r-v <**Forma absolutionis excommunicati**>
ZZ Como se deue absoluere lo excomunicato Prima debia dire uno ... percolare nel modo predicto lo excomunicato sopra le spalle made etc.

fol. 70r-107r <Incertus auctor, **Interrogatorium**>, imperfectum (Italice)
(Textus) /// de loro magisterio piu che non e per indangare ... (Finis) grandate da questi mali [p] de peccato. Deo gratias. Amen.

fol. 107r-118r **Petrus de Trano O.F.M., Tractatus de confessione** (Italice)
(Rubrica) Nel nome del signore incomenza el tractato della confessione composto et ordinato per frate Petro de Trani dell ordine de frati minuri ad requisitione dello illustrissimo Duca de Modana (*sic*) ... (Textus) Primo bisogna sapere della proprieta della constrictione ... (Finis) e quella beatitudine che dura per infinita secula seculorum. Amen.

fol. 118v-129r <Incertus auctor, **Tractatus de peccatis**> (Italice)
(Rubrica) Quisti sono certi casi in nelli quali tante uolte quante el chrisao (*sic*) ce cade ... (Textus) Fare alcuno bene per obseruatione [della lege] de altra lege ... (Finis) e non poterse contenere ne auere altro locho etc. Deo gratias. Amen.

fol. 129v <**Antoninus de Florentia O.P. (s.)**>, **Consilium**

(Rubrica) Consilium archiepiscopi Florentini de illis qui audiunt missam extra propriam parochiam quomodo non peccant. (Textus) Vtrum teneatur quis audire missam diebus festiuis a proprio sacerdote ... (Finis) et mutta tollerentur a sanctis propter uitandum scandalum. Hec ille. (Ed. R. Creytens, 'Les 'Consilia' de s. Antonin de Florence O.P.', *Archivum fratrum praedicatorum* 37 (1967) 263-342 at 295 n. 77, from this MS.)

fol. 130r-136v <Incertus auctor, **Tractatus de excommunicationibus**> (Italice)

(Textus) Nota primo § se dichiara se alcuno fa contra lo commandamento ... (Finis) de questa materia e dicto desupra § 2° assai diffusamente. Deo gratias ago. Deo gratias. Amen.

fol. 136v-137r <Incertus auctor, **Adnotationes de excommunicationibus**> (Italice)

(Textus) Nota questa e la bula <lege: tabula> de tucte excommunicationi ... (Finis) facesse celebrare per paura (paua^{ac}) contra la forma. Amen.

fol. 137v **Eugenius IV**, <**Rescriptum in favorem minoristarum**>

(Granted to Guillelmus de Casale O.F.M. at Bologna in 1437.)

fol. 140r-147r <Incertus auctor>, **Tractatus de sacra communione** (Italice)

(Rubrica) Vno tractatello della sacra comunione. (Textus) Volendo parlare della sacra comunione ... (Finis) preparasse ad tanto eccellentissimo dono et gratia. Amen.

The MS is divided into two parts, each with its own numeration. The texts are written in black ink in several cursive hands, the whole united by a cursive hand which added various notes and excerpts at <I>v-fol. *1v, 68v-69v, 138v (Walther, *Initia* no. 3135) and 147v-148r. The notes on Iv-fol. *1r and 148r-v are related. Notes and a musical staff were added in a modern hand at fol. 137v-138r. Rubrics and paragraph signs are rose-colored fol. 1r-68v and red thereafter. Capitals are red. The watermarks are illegible. The MS has a modern leather binding. Fol. 139v has only a note in Latin. Fol. 138v-139r are blank. Notes (ital.) at fol. 147v-148r (and 69r-v).

Vat. lat. 9394	saec. XIII
-----------------------	-------------------

Prov. Nicolaus ser Mathei de Neglay(?).

158 fols. + 1a-b memb. 177 (128) x 126 (80) mm, origin France. Quaterniones, saec. XIII.

fol. 1b^f-152v <**Rolandindus Passagerii, Summa artis notariae**> (See Vat. lat. 2326 fol. 1ra-92rb for further information.) *Variants*:

(Invocatio) Ihesus sacri uentris fructus | Pie matris prece ductus | Sit nobis dux uia et conductus | Liber in hoc opere amen. (Epilogus) humilis *pro* minimus

fol. 155r-v <**Rolandinus Passagerii, Tractatus notularum**>, fragmentum (See Vat. lat.

2326 fol. 92rb-107vb for further information.) *Variants:*
 (Textus) /// ciuitatum (*sic; pro uel post prouinciarum ed.*) et ladrum ZZ
LADRUM STATT LOCORUM ponitur dies mensis (Finis) in summa *add. post*
 requiras Deo gratias. (**Ed.** Ed. cit. fol. 193v-195v. Only the last leaf of the text survives.)

Bibl. Sella, 'Nuove sigle' 14 ('pe. de unzula', fol. 9r).

The MS is written in Gothic bookhand in black ink on rather coarse parchment. At the start of each chapter is a large red initial simply decorated in red or in ink. Other initials, rubrics and paragraph signs are red. There are marginal corrections in a contemporary hand, with additional rubrics and annotations in contemporary and later hands. Centered catchwords are framed or decorated. Running titles were added to the rectos in an early modern hand. Prickings are visible in the lateral margins. On fol. 154v there are notations in a later hand and a sketch of a coat of arms: chevron reverse, a mount or chevron surmounted by a cross above, a mount of 6 hills below. The first folios of the MS have recently been renumbered: fol. 1b is the original, fol. 1, 'b' having been added to the number; the original pastedown and guard folio were renumbered '1' and '1a' at the same time. Fol. 1 is a former pastedown with gluestains on the recto. Fol. 1r contains the ex libris 'Haec summa est mei Nicolai ser Mathei de Neglay' and a copy of a 15th-century summons to appear before the vicar of the archbishop of Florence. The original text on fol. 1v is a fragment of a formula for announcing the election of an abbot, written in a 13th-century bookhand with marginalia by the original scribe. On fol. 1v-1a^r are various contemporary and later notations, in Latin and Italian, including what may be a notarial sign, 'Chosto [8] 9 flor. 10.' and 'Questo libro e di Lorenzo Gai nothario di A. dato alla ///' (1a^r) in early modern hands. Fol. 1a has been erased, but remnants suggest the same text as on fol. 1v. Several folios have been mutilated and later repaired. Fol. 135-142 are palimpsest and have been treated with chemicals, making the text extremely difficult to read; fol. 141 is especially illegible. The MS has a 19th-century parchment binding. Fol. 1a^v, 153r-154r and 156r-158v are blank. Fol. 158v Iste LIBER

Vat. lat. 9399	ZZ saec. XV
-----------------------	--------------------

Prov. Frater Francisco de Altamura a Pitenna; Bartolomeus Ebur of Cremona (?), fol. 105v-153r.

156 fols. memb. (fol. 2-4, 8-9, 13-14, 19-20, 25-26, 31-32, 37-38, 49-50, 61-62, 67-68, 73-74, 79-80, 91-92, 97-98, 103-104, 110-111, 115-116, 121-122, 127-128, 134-135, 139-140, 145-146, 151-152, 156 = AEUSSERE UND INNERE BLAETTER JEDER LAGE NUR AM ANFANG AUSNAHME FOL. 1 et chart. 212 (155) x 140 (97) mm, origin ITALY. Seniones. Saec. XIV.

fol. 1r-3r **Eugenius IV, <Responsa fratribus ordinis minorum>**

(Rubrica) Dominus papa Eugenius quartus declarauit uenerabili patri fratri Iacobo de Primadiciis. (Textus) In primis quod si scisma ueniret ... (Finis) pronunciaretur excommunicata tunc enim esset uitanda. (Subscriptio) Et predicta concessit uiue uocis oraculo ad supplicationem mey fratris Iohannis de Capistrano die xv^o mensis aprilis 1437 audita missa in cappella secreta palatii eiusdem in Bononia prope sanctum Petrum. (**Ed.** H. Hüntemann *et al.*, *Bullarium Franciscanum*, nova series, 3 vols. (ad Claras Aquas 1929-49). I does not contain these under the appropriate dates. The first was given at Florence 11 iul. 1435; the second was given to 'Albertus' 11 iul. 1435, copied at S. Spirito, Ferrara, 13 aug. 1435. The

third, on fol. 2v, quotes a bull of Pope John, *Cupientes*, 'contra crinas mulierum'.)

fol. 3r **Martinus V, Constitutiones <duae> contra simoniam**, imperfectae
(Rubrica) Constitutiones seu extrauagantes noue contra simoniam. (Textus) Multe contra simoniacam prauitatem ab olim ... aut cardinalatus prefulgeat (praefulgeant *ed.*) dignitate. (Colophon) Martinus V^{us} in consilio Constantiensi. (Rubrica) Alia eiusdem Martinus V^{us} in extrauaganti que incipit 'Dampnabile scelus' facta Mantue pontificatus sui anno secundo. (Textus) Innouamus et de nouo confirmamus excommunicationis ... (Finis) sub quacumque forma uerborum generaliter uel /// (**Ed.** of the first, Mansi 27.1175; of the second, Baronius, *Annales* an. 1418 § 32 (ed. Theiner *vol. 27 page* 483 col. 1 lines 7-24). This version omits the first 10 lines of the edition, and the edition reverts to a summary of its exemplar at the point at which this incomplete copy is only four lines from its end.)

fol. 4r-10-v **Angelus de Periglis, <Tractatus de societatibus>** (See Vat. lat. 2289 fol. 271ra-273vb for further information.) *Variants:*
<Praefatio deest.> (Textus) Vnde ex hic de duobus principaliter ... ; et *praem. ante* primo (Finis) ipsas *pro* premissas; de *praem. ante* canonico; etiam *om.*; (Subscriptio) de Perigllis de Perusio *pro* Perigli Perusino; amen. amen. amen *add. post* gratias.

fol. 10 v <Incertus auctor, **Excerptum quoddam breve**>
(Textus) Nota circa xii quesitum. Iacobus de Arena dicit indistincte quod dapnum (*sic*) est commune ... (Finis) Baldus in l. *Cum duobus* § Item ex facto ff. pro socio (Dig. 17.2.52.7). (The excerpt may be from a lecture: 'Tu dic', *et sim.*.)

fol. 11r-12v <Incertus auctor, **Tractatus de poenitentia**>
(Textus) Quid est peccare in Spiritum sanctum ... (Finis) inueniuntur de peni. di. 5. Consideret (*De poen.* D.5 c.1) et di. i. Quam (rectius Quem) penitet (*De poen.* D.1 c.88).

fol. 14r-78v <**Franciscus de Platea O.F.M., Tractatus de restitutione**>
(Rubrica) Restitutio primo. (Textus) Vtrum restitutio sit de necessitate salutis. Respondeo secundum Scotum ... (fol. 74v) (Finis) Iuxta formam predictam non est absoluendus. Hic Monaldus. Deo gratias amen. (fol. 74v-78v) <Tabula summaria> (**Ed.** Franciscus de Platea, *Opus restitutionum, usurarum, excommunicationum* [Spira 1489] *sine fol.*; this is the first work.)

fol. 79r-117r <**Franciscus de Platea O.F.M., Tractatus de usuris**>
(Textus) Vsurā quid est. Primo scilicet in contractu mutui quero quid sit ... (Finis) pecuniam suam indigenti, Luce 6 'mutuum data (date^{ac}) nihil mihi sperantes (desperantes^{ac})' (Luc. 6.35). Amen (**Ed.** *Ed. cit.*; this is the second work.)

fol. 117r-153r <**Franciscus de Platea O.F.M., Tractatus de excommunicatione**> (See Vat. lat. 1237 fol. 183r-215vb for further information.) *Variants:*

(Rubrica) Incipiunt excommunicationes. Excommunicacio primo contra ecclesiasticas personas IST IMMER RUBRIC (Textus) Quero qui sint casus maioris excommunicationis ... (Finis) si propter hec uerba quis uerberet illum licet non nomine eius. (*add.*) Finis. (Versus *add.*) Quem legis inpressus ... archetipas fingit solus ad iste notas (**Ed.** Add ed. cit., in which this is the third work.)

The codex was written in black ink in four hands: 1) fol. 1-3r (a new hand may take over from the last few lines of fol. 1v onwards), a cursive hand with no corrections or decorations; 2) fol. 4r-12v, a cursive Gothic hand with no corrections or decorations; 3) fol. 14r-105v, a round humanist hand with plentiful corrections and suppletions by the scribe and other contemporary hands. There is a large plain initial at the beginning, and smaller ones for chapters, with the first words of chapters written in display script; 4) fol. 105v-153r, an Italic hand, with corrections and occasional suppletions by the scribe. This hand begins (though in the middle of the tract) with a crude geometrically-ornamented initial; another is supplied for the beginning of the tract on excommunication. Otherwise decoration is similar to that of the preceding hand. Where the hand change within the tract on usury someone noted 'hic deficiunt casus', with a reference symbol. The lacuna was supplied on fol. 106r (the verso, though ruled, is blank), with the text resuming on fol. 107r. Other decorations comprise red paragraph signs (J-shaped) and red stripes for rubrics (those on fol. 117r are red). Framed catchwords are at the lower right. There is an ex libris on fol. 152v: 'questo libro sie de frate Francisco de Altamura cioe a Pitenna'; the same hand wrote 'que libro' after the end of the text on fol. 153r. Fol. 154r is blank except for the notation 'folii 212'. Fol. 156v, though ruled, has only an incomplete alphabet. The binding is modern parchment. Fol. 3v, 13r-v, and 154v-156r are blank. FOL. 153v NUR ABGESTEMPELT SONST LEER:

Vat. lat. 9419	saec. XV
-----------------------	-----------------

157 fols. chart. 400 (268) x 284 (170) mm, origin Italy. Quiniones, saec. XV.

fol. 1vb-157rb **Johannes de Imola, Commentaria in Decretales** (Lib. III: X 3.23.1-3.26.16) (See Vat. lat. 2278 fol. 1ra-189vb for further information.) *Variants:* (Rubrica) Rubrica de solutionibus. (Continuatio) Visum et tractatum est in titulis precedentibus de materia contractuum ... (Textus) *Ad hoc (hec cod.)*: Breue (Breuis *cod.*) est, et non summatur, nec diuiditur ...

Ed. Johannes de Imola, *In primum [-tertium] Decretalium commentaria*, 3 vols. (Venetiis 1575) III 269va-382rb. **Bibl.** Sella, 'Nuove sigle' 8 (*flor.* fol. 34r = Florianus).

The MS is written in dark brown ink; fol. 1v is in a fine humanist bookhand, the rest of the text in a more cursive humanist hand. The lemmata are written in enlarged letters and are now protected by paper. On fol. 1v a miniature depicting a commercial scene fills the top third of the folio. The remainder of the left column is filled with an unidentified coat of arms surrounded by a laurel wreath with large multi-colored floral medallions above and below. The medallions are accompanied by large gold disks with short, heavy black rays. The arms, divided vertically, are, on the left, silver with a blue double-headed eagle, on the right blue with six brown-black fruit. The text begins on fol. 1vb with the rubric in large capitals. The *continuatio* and the first lemma each open with large painted initials in red, blue, and gold. Capitals in the rest of the MS are red with violet, or blue with red penwork decoration. Paragraph signs alternate red and blue. There are occasional corrections, perhaps by the scribe; marginalia are sparse. Fol. 1r is a title page: 'Incipit secunda pars lecture spectabilis doctoris domini Iohannis de Immola super tertio'. Catchwords are at the lower right, near the edge of the folio, running titles appear in the upper right corner of each recto. For the watermarks, cf. Briquet nos. 746 and 4860. The parchment binding dates from the second half of the 19th-century. Fol. 157v is blank.

antea XVI; 61680. **Prov.** Johannes Schurman of Münster; Johannes Leuss of Utrecht; Walter Lollens;. Signolphus de Fynolis. **Scr.:** Signolphus de Fynolis; Georgius Sur. de Alamania.

<I> +a-b + 411 fols. - 303 memb. (chart. <I> et 411) 294 (180) x 215 (147) mm, origin Italy. Seniones, saec. XV (ca. 1465-70).

fol. A^{ra-va} <**Index codicis**>

(Written in the personal cursive of Signolphus de Fynolis, the index is keyed to the MS by a numbering system which combines Roman and Arabic numerals. The entries have been used to help determine the titles of some texts.)

fol. 1ra-14vb **Fredericus de Senis, <Tractatus de permutatione beneficiorum cum additionibus Lapi Tacti>** (See Vat. lat. 11605 fol. 96rb-103rb for further information.) *Variants:*

<Rubrica et praefatio desunt.> (Textus) Et primo queritur *om.* (Finis) sed *pro* si; beneficio meo *pro* beneficium meum (Colophon) Expliciunt questiones in materia permutationum edite a domino FFFrederico de Senis decretorum doctore excellentissimo. (per G.S. *add. al. man.*) pro egregio doctore domino Siginolpho de Fynolis Rome xx die decembris M cccc lxix^o. (*add. al. man.*) Alium tractatum de permutatione beneficiorum habes infra.

fol. 15ra-21va <**Martinus Garatus Laudensis, Centum quaestiones de coetu et auctoritate dominorum cardinalium**> (See Vat. lat. 4916 fol. 44ra-48vb for further information.) *Variants:*

TRACTATUS DE AUCTORITATE CARDINALIUM BEI BAUMGARTNER

(Rubrica) De prestantia cardinalium. (Praefatio) repentī (*sic*) *pro* repetenti (Finis) canizatione (*sic*) *pro* canonizatione (Finis epilogi) potuerim conscripserem *add. post* facere (Colophon) Laus Deo Iesu amen.

fol. 21va-23va <**Martinus Garatus Laudensis, Tractatus de canonizatione**> (See Vat. lat. 4916 fol. 52ra-53rb for further information.) *Variants:*

<Rubrica deest.> (Inscriptio) Reuerendissime *pro* Reuerende; domini *om.* (Colophon) Amen. (**Ed.** D. Maffei, 'Il trattato di Martino Garati per la canonizzazione di San Bernardino da Siena', *Studi Senesi. Supplemento alla centesima annata* 2 (1988) 580-603 at 593-603, using this MS: siglum VI) K. BAUMGÄRTNER, LUDOVICUS PONTANUS (p.19)

fol. 23vb-24ra <**Modus vacationis beneficiorum**>

(Rubrica) Modus quibus uacant beneficia. (Textus) Primus modus est si quis possedit beneficium curatum ... (Finis) tunc primum reuertitur ad suum principium.

fol. 24rb-va, 43vb-44vb, 116r-117r, 141va-142ra, 196v-198v, 258va-vb, 289vb-291vb, 332r-349v, 354r-355r <Auctores varii, **Consilia**>, nominantur: Alexander de Tartagnis de Imola (fol. 339r-340v, **ZZ Bibl.** Belloni, *Professori* 11); Andreas de Barbatia (fol. 334r-338v, 341r-349v); Antonius de Caffarellis (fol. 196v-198v); Bartolus de Saxoferrato (fol. 43vb-44ra, 44ra (imperfectum), 44ra-rb, 44rb-va, 44vb, 116v-117r, 117r, 141va-vb, 141vb-142ra, 258va-vb, 248vb [**Ed.** Bartolus, *Opera omnia* X fol. 49rb, 49va, unprinted, 49vb-50ra, 50ra, 40va-vb, 40vb, 50ra-rb, 22ra with unprinted additions, 62ra, 50va]); Ludovicus Pontanus (fol. 24va-vb); <Incerti auctores> (fol. 24rb, 116r (2), 289vb-291va, 291va-291vb (based on previous), 332r-333r, 354r-355r).

fol. 25r-32v <**Petrus de Ubaldis senior, Tractatus de permutatione beneficiorum**> (Rubrica) De rerum permutatione. (Textus) <Q>uesitum qui de (Quia de *ed.*) **NO ITALICO** *permutatione beneficiorum hic agitur, ideo uideamus (uulimus cod.)* quedam principaliter ... (Finis) ex quo beneficio iuris se tuentur (tuetur *cod.*) contra illam consuetudinem (et benedictus Deus in secula seculorum *add. cod.*). (Colophon) Amen. (**Ed.** TUI 15.1 fol. 183vb-186vb.)

fol. 33ra-43vb, 292ra-296va, 313ra-328vb, 353r-v <Auctores varii, **Quaestiones variae**>, nominantur: Angelus de Guidonibus, Quaestio 'Nonnulli modernissimi' (fol. 292ra-294vb); Bartolus de Saxoferrato, Quaestiones XV, II (imperfecta), VII, XVIII VIII (fol. 33ra-34rb 'Perusio', 34rb-36ra, 36ra-38va, 38va-40vb, 40vb-43vb [**Ed.** Bartolus. *Opera omnia* X fol. 88rb-89ra, 76ra-77va, 81va-82va, 90ra-vb, 82vb-83vb]); Signorinus de Homodeis, Quaestio 'Florentinus quidam' (fol. 295ra-296va **ZZ** [12 april 1410. Paduae, respondit Leonardus de Muicinis (*sic*) de Florentia **ZZ** (**Bibl.** Cf. Dolezalek, *Verzeichnis* 1, where Bologna MS 2256 lists the same *quaestio* with the respondent being Bernardus de Muscinis]); <Incerti auctores>, Quaestiones 'Vtrum concilio' (fol. 313ra-313vb [**Ed.** Vincke, *Schriftenstücke* 104-106, from this MS]), 'Vtrum conuocatio' (fol. 313vb-314vb), 'Vtrum liceat' (314vb-316rb [**Ed.** *Ed. cit.* 107-12, from this MS]), 'Quia ubi' (316va-327va [**Bibl.** M. Bellomo, *Aspetti dell'insegnamento giuridico nelle università medievali I: Le 'Quaestiones disputatae* (Reggio Calabria 1974) 28 and nn. 29 and 31; *idem*, *Saggio sull'università nell'età del diritto comune* (Catania 1979) 224 and n. 14 and 16, both citing a passage from the preface of this anonymous 'trattatello']), 'Quoniam in prin.' (327va-328vb), 'An doctor' (353r-v).

fol. 45ra-57vb **Martinus <Garatus Laudensis, Tractatus de legitimizatione>** See Vat. lat. 4916 fol. 53va-64rb for further information. *Variants*: <Rubrica deest.> (Colophon) etc. LXX°.

fol. 58ra-68vb **Franciscus Cremensis, <Singularia>** (Invocatio) Ihesus. (Rubrica *marg. sup.*) Francisci de Crema. (Textus) Quero primo de hac (ista *ed.*) questione: dedi ecclesie domum ut me alimentaret ... (Finis) de singularibus Lodouici (Roma, *add. ed.*) cetera autem sunt ex meo labore etc. (Colophon) Laus Deo per dominum Franciscum de Placentia de Crema

Senis ordinarie de mane legentem anno Domini M cccc lxii. (**Ed.** *Practicarum observationum et sententiarum ... notabilia et singularia ...*, ed. M.G. Haiminsfeld, 2 vols. (Francofurti 1629) I 459-84.)

fol. 69ra-86rb **Matthaeus de Mathesillanis**, <**Singularia**>

(Invocatio) Ihesus. (Rubrica *marg. sup.*) Incipiunt notabilia Mathei de Mathesillanis et Bononia. (Textus) Nota (Primo nota *ed.*) quod in causis breuioribus si iudex sit tabellio ... (Finis) Et Guil. de Cunio in l. *Precipimus* C. de appel. § super his (Cod. 7.62.6.3) quod est notandum secundum Iac. de Matescaheliis (precipimus § super his de appellation. quod bene nota *ed.*). (**Colophon**) Amen. (**Ed.** *Ed. cit.* I 131-260, at 132-260, this MS lacking the preface in the edition. **Bibl.** Diplovatatus, *De claris iuris consultis* II 337.)

fol. 88r-115v, 149va-178r, 199ra-258rb, 259ra-289vb, 305ra-310rb, 362r-377r, 390r-405v <Auctores varii, **Repetitiones**>, nominantur: Andreas Barbatia, Repetitio l. *Cum acutissimi* (Cod. 6.42.30) (fol. 199ra-258rb); Angelus de Ubaldis, Repetitio § *Arbitrorum* (Dig. 17.2.76.i.m.) (fol. 165ra-173va); Antonius de Rosellis, Repetitio c. *Cum in contemplatione* (X 5.41.6) (fol. 362r-370r); Baldus de Ubaldis, Repetitio l. *Si filius heres* (Dig. 28.2.16) (fol. 305ra-310rb [**Ed.** Baldus, *Opera omnia* III fol. 59vb-61vb]); Florianus de s. Petro, Repetitio § *Arbitrorum* (Dig. 17.2.76.i.m.) (fol. 154ra-164vb); Johannes de Prato Veteri, Repetitio incerti textus (fol. 370r-373r); Philippus de Franchis, Repetitio c. *Dilecto* (X 2.28.63), imperfecta (fol. 259ra-289vb [**Ed.** Philippus de Franchis, *Lectura et commentaria ... super titulo decretalium de appellationibus ...* (Francofurti 1576) fol. 175rb-201vb, ending at 201rb]); Raphael de Fulgosiis, Repetitiones l. *Si pater* (Cod. 6.25.4) (fol. 88r-95r), l. *Si filius* (Dig. 28.2.16) (fol. 104v-115v); Signolphus de Fynolis, Repetitiones § *Si quis rogatus* (Dig. 36.1.18.4) (fol. 390r-403v [**Bibl.** A. Sabbatani, *De vita et operibus Alexandri Tartagni de Imola* (Milan 1972) 84]), § *Ex facto* (Dig. 36.1.18.5) (fol. 403v-405v); <Incerti auctores>, Repetitiones § *Si quis autem* (Cod. 6.23.21.5) (fol. 95r-104v), l. *Si quis arbitrato* (Dig. 45.1.43) (fol. 149va-153vb), l. *Rem maioris* (Cod. 4.44.2) (fol. 173va-178ra), incerti textus (fol. 374r-377r).

fol. 119ra-141rb **Johannes Calderinus**, **Tractatus de ecclesiastico interdicto** (See Vat. lat. 2244 fol. 146va-161vb for further information.) *Variants*: <Rubrica deest.> (Textus) quam magistralem *om.* (Finis) est honor et gloria per *pro* sit honor per (Colophon) Amen. Explicit tractatus de ecclesiastico interdicto domini Iohannis Calderini excellentissimi decretorum doctoris de Bononia etc.

fol. 143ra <Incertus auctor, **Nota de primogenitura**>

(Rubrica) Nepos an preferatur patruo. (Textus) Premitte primogenitum dic anime masculinum apericus (*sic*) primo uuluam ut refert Bal. ... (Finis) ut est feudatan. (1.) in feudo notabil.

fol. 143rb-149rb **Martinus** <**Garatus Laudensis**, **Tractatus**> **de primogenitura** (See Vat. lat. 4916 fol. 68ra-73rb for further information.) *Variants*:

(Invocatio) In Christi nomine et gloriose uirgine Marie nominibus. (Textus) per me Martinum Laudensem in ciuitate Bononie *add. post* primogenitura; quamquam *pro* licet; Vulpiani *pro* uulgi (Colophon) Laus Deo. (**Bibl.** Baumgärtner, *Martinus* 122-24 and 348 omitted this copy.)

fol. 178ra-183va **Bartolus de Saxoferrato, Tractatus de tyrannia** (See Vat. lat. 2289 fol. 87vb-91rb for further information.) *Variants:*
(Rubrica) Incipit tractatus de tiranno per dominum Bartolum de Saxoferrato.
(Textus) Respondeo *praem. ante* a tiro (Finis) dico idem quod de tiranno supra proxime dixi. (Colophon) Laus Deo. Finitur tractatus de tiranno editus per eximium doctorem dominum Bartolum anno 1470^o viii^a die mensis aprilis per me G.S. de Almania. (**Ed.** Quaglioni, *Politica e diritto* 171-213, using this MS (siglum Vc), and marginalia from this MS at 238-39. **Bibl.** Op. cit; describing this section at 87; Calasso, 'Bartolo' 654.)

fol. 183vb-196rb **Gaspar <de Perusio>, Tractatus de reservationibus beneficiorum** (Textus) <D>e reseruacione beneficiorum tractatus subsequenter annectam materiam (annocere annectatur materiam cod.) de potestate reseruantium ... (Finis) Inno. in c. ut nostrum de app. (X 2-28.56) et de iure patronatus Cum dilectus (X 3.38.28). (Colophon) Laus Deo amen. Explicit tractatus de reservationibus beneficiorum compilatus per reuerendum patrem dominum Gasparem episcopum frequentinum etc. per me Georgium Sur. finitus. (**Ed.** TUI 15.1 fol. 244ra-248vb. **Bibl.** Schulte, *Geschichte* II 370.)

fol. 296va-vb <**Casus**>
(Textus) Casus quos Bartolus uoluit remittere ad Cesaream maiestatem ... (Finis)
Adde alium casum Angeli in repetitione § Qui prouocauit l. *Tale pactum* ff. de paci. (Dig. 2.14.40.1). (Colophon) Finis.

fol. 297ra-302ra <**Martinus Garatus Laudensis, Tractatus de moneta**> (See Vat. lat. 4916 fol. 73va-76vb for further information.) *Variants:*
<Rubrica deest.> (Finis) fuerit *om.*; mille *pro* melle; ff. *om.* (Colophon) Laus Deo omnipotenti etc.

fol. 302ra-305ra <**Martinus Garatus Laudensis**>, **Tractatus de ecclesiasticis ordinibus** (See Vat. lat. 4916 fol. 77ra-78ra for further information.) *Variants:*
(Rubrica) De ordinibus ecclesiasticis. (Colophon) Laus Deo.

fol. 310 rb-313ra **Bartolomaeus Cepolla, Tractatus de extensione**
(Rubrica) De equipera[///]torum argumentatione. (Textus) Quia sepe dubitatur quando duo equiperantur an sit bonum argumentum ... (Finis) et Ange. de Areti. in l. *Si uero* § de uiro ff. so. ma. (Dig. 24.3.64.9) in repetitionibus suis.
(Colophon) Laus Deo amen. Tractatus extensionis per Bartholomeum Ciuolla Veronensem Patauii etc. (**Ed.** Cf. Bartolomeo de Cipolla, *De interpretatione legis extensiva ... tractatus* (Venetiis 1557). **Bibl.** Belloni, *Professori* 156-61.)

fol. 329r-v <**Notationes legales**>

(Composed of a series of comments entered over a period of time, first by Signolphus de Fynolis, then by Georgius Sur., then by Signolphus again.)

fol. 330r <**Forma compromissi**>

ZZ Seite 63 der Korrektur fehlt

(A short formula entered on the leaf by Signolphus. The rest of the leaf is blank.)

fol. 331r-v <**Notationes legales**>

(A series of observations on various topics entered by Signolphus de Fynolis.)

fol. 349v-350r **Dinus de Mugello, Modi arguendi**

(Rubrica) Modi arguendi secundum Dinum de Mugello. (Textus) A sufficienti partium enumeratione ff. de li. et po. l. *Filius a patre* § i. (Dig. 28.2.28.1) ... (Finis) l. *Si usufructuarius (sic)* ff. quemadmodum ususf. amit. (Dig. 7.4.13). (Colophon) Et sic est finis huius tractatus. Laus Deo et sue matri uirgini gloriose. (**Ed.** *Tractatus plurimorum doctorum* ... (Ludguni 1519) fol. ciiii. **Bibl.** S. Caprioli, 'De "modis arguendi" scripta rariora: l. Dini opusculum', *Studi senesi* ser. 3 vol. 12 (1963) 30-56, editing, at 40-52, a section that corresponds to an excerpt in Ottob. lat. 1299 fol. 56rb (q.v.), using this MS (siglum V); see also 33; op. cit. 4. appendix p. 251 for *retractiones* to the edition.)

fol. 351v <**Pseudo-Bartolus rectius Franciscus de Albergottis**>, **Tractatus de cicatricibus** (See Vat. lat. 2289 fol. 276vb-277ra for further information.)

Variants:

(Rubrica) Bartoli *om.* (**Ed.** A. Campitelli, 'Il Tractatus de cicatricibus di Francesco Albergotti attribuito a Bartolo da Sassoferrato', ASD 8 (1964) 269-88 at 280-83, using this MS (siglum V¹), and discussing the MS at 270 n. 8, 272[-73] n. 18, 277, and 279. **Bibl.** Calasso, 'Bartolo' 654, misciting this MS as 9728, Dolezalek, *Verzeichnis* II.)

fol. 352r-353r <Incertus auctor, **Oratio in promotione ad doctoratum**>

Manifestissimum uobis esse censeo amplissimi patres hunc amplissimum uirum ... (Finis) et Baldum sequi in authentica Habita superius allegata.

fol. 354r <Incertus auctor, **Nota de tit. De in litem iurando** (Dig. 12.3)

Pro intelligentia totius tituli ff. De in lit. iurando et uero sunt ... (Finis) et ista /// in am///lectiones.

fol. 355r-356r **Andreas <Barbatia, Allegationes de insinuatione>**

(Rubrica) Allegationes domini Andree Siculi super causa Hospitalis Batiste et ad ///andi super peremptorie instantiae. (Textus) Circa materiam insinuationis primo queritur quid est insinuatio ... (Finis) et per Iohannem Andree in additionibus ad speculum in rubrica de Instr. edi.

fol. 356r-358v <**Matthaeus de Mathesillanis**>, **Tractatus de extensione**
(Invocatio) In Christi nomine amen. (Rubrica) Tractatus extensionis iuris ciuilis et canonici que uidetur esse multum utilis studentibus et practicantibus. (Textus)
Circa extensionis materiam considerari posset 4^{or} species ... (Finis) a contrario sensu dicam in alio tractatu de per se. (**Ed.** Cf. Bartolomeo de Cipolla, *De interpretatione legis extensiva ... nec non Matthaei de Mathesilani ... alter eiusdem argumenti aureus tractatus* (Venetiis 1557). **Bibl.** Diplovatatus, *De claris iuris consutlis* II 337; Dolezalek, *Verzeichnis* III for variations.)

fol. 358v-360r **Guillelmus de Cuneo** (?), **Tractatus de securitate**

ZZ Seite 63 der Korrektur fehlt

(Rubrica) Tractatus securitatum secundum Guil. de Cu. super § Sed neque in aut. de man. prin. col. 3 (Nov. 17.6). (Textus) Quia iste § uidetur aliquid tangere de materia securitatum ... (Finis) l. *Damni infecti* § Sabini (Dig. 39.2.18.11 i.p.) et C. ad l. Iu. repe. l. fi. (Cod. 9.27.6). (**Colophon**) Laus Deo. (**Ed.** *Not* TUI 12 fol. 242ra-243rb. **Bibl.** Diplovatatus, *De claris iuris consultis* II 253-54.)

fol. 360r <**Nota de stipulatione**>

(This short note, in the hand of Signolphus, fills the remainder of the page.)

fol. 360v-361v **Matthaeus de Matthesillanis**, **Tractatus de electione opinionum** (See Vat. lat. 2594 fol. 271ra-272va for further information.) *Variants:*
(Rubrica) Tractatus electionis opinionum Mat. de Matesil. (Invocatio) In Christi nomine amen. <Praefatio deest.> (Textus) Quidam tractatus super electione opinionum doctorum propter quod solent multum turbari studentes et practicantes ... (Finis) descriptus, cum distinctus sup. lin., pro descriptus (Subscriptio)
Matheus doctor Bononie. (**Ed.** TUI 18 fol. 221rb-222ra. Besides lacking the printed preface, the MS differs from the first three lines of the edition. Short notes on the same subject continue in the same hand on fol. 361v.)

fol. 380ra-384ra **Martinus <Garatus>** Laudensis ZZ, **Tractatus de represaliis**
(Textus) <E>t quoniam optima rerum inuentio de si. uerborum lenociniis destituta sit ... (Finis) hic a Bartolo in tractatu suo represaliarum. (Colophon) Explictus est libellus de represaliis compositus a domino Mar. Laudensi addendo ad tractatum Bar. de represaliis Bononie die x^a octobris M cccc lxviii die lune de sero xxiiii hora. ZZ (**Bibl.** A. Rondinini Soldi, *Per la storia del cardinalato nel secolo XV* (Memorie dell' Istituto Lombardo - Accademia di Scienze e Lettere, classe morali e storiche 33.1; Milano 1973) 52.) (**Ed.** TUI 12 fol. 279r-z. **Bibl.** Baumgärtner, *Martinus* 117-19.)

fol. 384ra-387v **Martinus <Garatus>** Laudensis, **Libellus retractionum in opera Bartoli**

(Rubrica) Libellus retractionum opinionumum Bar. Mar. de Lau. que regulariter sunt

uere ne lectura Bar. aliquem decipiat sicut Seruius in notis Mutii ut in l. Mutius ff. Pro soci. (Dig. 17.2.30). (Textus) Opi<nio> Bartoli in l. *Si societatem* § Arbitrorum ff. pro so. (Dig. 17.2.76 i.m.) ... (Finis) et contra eum tenet Baldus in l. i. xiiii col. de confe. quia declaratio absoluet condempnatum. (**Bibl.** Rondinini Soldi, op. cit. 52; Baumgärtner, *Martinus* 324.)

fol. 387v-389v **Martinus <Garatus> Laudensis, Additiones ad Tractatum Bartoli de alimentis**

(Rubrica) Additio Mar. de Laud. ad tractatum Bar. de alimentis. (Invocatio) Christi et gloriose uirginis Marie omniumque ciuium celestium nominibus inuocatis. (Textus) Explicato opusculo additionum tractatus Bar. de represaliis transitum faciamus ad additiones tractatus Bar. de alimentis ... (Finis) potest alienari pro necessitate alimentorum Bal. in auth. res que C. 8 de leg. (?). (Colophon) Finis xx octobris Bononie M cccc lxxviii. (**Bibl.** Rondinini Soldi, op. cit. 52; Baumgärtner, *Martinus* 324.)

fol. 406r-408v **<Notabilia> de clausulis instrumentorum**

(Rubrica) De clausulis instrumentorum uenditionum per Bar. (*sic*). (Textus) In instrumentis uenditionum apponi solet clausula ... (Finis) uel promisit seruare indempnem in l. *Quero* ff. loc. (Dig. 19.2.54). (The text is constructed as a series of short notes laid out on the page with substantial space between each note.)

Cat. Kristeller, *Iter* II 347.

Bibl. Sella, 'Nuove sigle' 10; Baumgärtner, *Martinus* 109-11, describing the contents, but with several errors.

The MS has the form of a notebook, with the texts entered over a period of time and no consistent form or construction. It is written in dark brown, almost black, ink in multiple hands. The most common is the very irregular and personal cursive of Signolphus de Fynolis. Also present is the round cursive of Georgius Sur., whose work is usually signed or noted as his by Signolphus. Two other, more formal hands, appear at the beginning of the MS. The abundant marginal annotations throughout the volume all belong to Signolphus. There is no color or decoration. <I> and fol. 411 are leaves from a 14th-century missal. Fol. b' has the short title 'singularis prudentie etc.' by a later hand. Fol. 117r-v have a series of short notes on law and literature, including parts of songs, in at least two hands and entered over a period of time. In the margins of fol. <I>r are the ex libris notes: 'Pertineo ad Iohannem Leuss de Traiecto Inferiori ex dono domini Walteri Lollens' and 'Pertineo Iohanni Schurman clerico Monasteriensi pro dono subscripti domini Iohannis Leuss Traiectensis presente Alexandro Rudam.' These noms are repeated and expanded on fol. 410v: 'Ex dono magnifici IV. doctoris Iohannis Leuss', 'Reuerendissime domine Iohannis Leuss'; 'Dona magnifici domini Iohannis Leuss.' Again on fol. 411v: 'Item anno domini 1501 die prima die octobris ego Iohannes Leuss de Traiecto intraui domum domini Bernardi Mocharel et eodem mense die ui intrauit Guilhelmus Brito eius familiaris'; and 'Iohannes Schurman' (twice); 'Monast.'; 'Dono et munere domini Iohannis Leuss de Traiecto Inferio.' Again, on fol. 409v, is 'Liber Iohannis Schurman clerici Monasteriensis V. I. licentiatii', along with a purchase note, 'Emi precio quattuor Carlenorum', and an aphorism formed as a salutation, both in a fine calligraphic script. There are additional *probationes pennae* on fol. 410v and 411r. At the top of fol. 1r is 'no. XVI', at the bottom '61680'. For the watermarks, cf. Briquet nos. 3677, 5157, 15814, 15909, and 6880. The MS has a 19th-century parchment binding. <I>v, fol. b^v, 86v-87v, 118r-v, 142v, 330v, 333v, 350v-351r, 377v-379v, 409r, 410r, and 411r are blank.

Prov. Bernardo Eruli, card. 1460-1479.

386 fols. + 313a chart. 435 (258) x 280 (178) mm, origin Italy (Rome?). Quiniones, saec. XVmed.

fol. 1ra-7vb <**Tabula quaestionum**>

fol. 8ra-386va **Johannes de Turrecremata O.P.**, <**Commentaria in Decretum**> (Pars III: *De cons.*) (See Vat. lat. 2273 fol. 1ra-216rb for further information.) *Variants:* <Epistola dedicatoria deest.> (Colophon) Turre cremata *pro* Torrecremata; Transtiberim *pro* Transtibrim.

Cat. Kristeller, *Iter* II 347. **Bibl.** Kaeppli, *Scriptores* III 38 no. 2731.

The MS is written in a late Gothic bookhand in dark brown ink. A lacuna in the exemplar is noted at fol. 197va. The text is sparsely annotated. Capitals and paragraph signs are red or blue. At fol. 1r is the ex libris of Bernardo Eruli, 'Domini cardinalis Spoletani'. A fragment of script is attached at fol. 216r. The MS has been restored. For the watermarks, cf. Briquet no. 8936. Catchwords are framed at the lower right. The MS has a 19th-century parchment binding. Fol. 184v and 215v are blank.

Vat. lat. 9440	saec. XIVmed. (1362)
-----------------------	-----------------------------

Prov. Magister Bernardus. **Scr.** Franciscus de Salgeriis.

74 fols. memb. 452 (310) x 274 (178) mm, origin Italy (Padua). Quiniones, saec. XIV (1362).

fol. 1ra-74rb **Guillelmus de Cuneo, Lectura in Codicem** (Lib. I-VII) (See Vat. lat. 2622 fol. 3ra-97rb for further information.) *Variants:* (Colophon) Amen. Explicit lectura eximii uictrici (*sic*) legum Gulielmi de Cuno scriptam (*sic*) per me Franciscum de Salgeriis in felici ciuitate Padue anno domini millesimo tricentesimo sexagesimo 2° de mense aprilis.

fol. 1rb *marg.*-74r *marg.* **Raynerius de Forlivio, <Additiones ad Lecturam in Codicem Guillelmi de Cuneo>** (See Vat. lat. 2622 fol. 3ra *marg.*-97rb *marg.* for further information.) *Variants:* (Colophon) Correctus liber iste est.

fol. 1ra-74rb, passim <**Additiones ad Lecturam in Codicem**> cy. (fol. 45va); dy. (fol. 55vb); g. (fol. 68rb, 69rb); G.(?) (fol. 18ra, 53va); G.R.(?) (fol. 6ra, 7ra, 9ra); Gil. (fol. 68vb); Ia. de ar' (fol. 8rb); Ia. R. (fol. 4va, 6ra, 10va); Ia. Ray. (fol. 15va); Ia. de R (fol. 6vb); Mar. sy. (fol. 52va, 53va); sy. (fol. 8ra).

Bibl. Sella, 'Nuove sigle' 15: *r.*, *Ray* (miscited as Vat. lat. 9340), *Raynerius* = Raynerius de Forlivio; D. Maffei, 'Qualche postilla alle ricerche di E.M. Meijers sulle scuole di Orléans, Tolosa e Montpellier', *Tijdschrift voor Rechtsgeschiedenis* 36 (1968) 387-400 at 387 n. 1, noting this MS as one Meijers had overlooked; Peruzzi, 'Angelus de Amelia' 82

n.254.

The MS is written in gray-brown to black ink in a single Gothic bookhand, with corrections by the scribe. The glosses and notabilia are in three hands. There are elaborate initials in blue, rose, green, red, and gold, on square grounds, with foliate fill, at the start of major sections. Capitals are blue with red, or red with violet penwork decoration. Rubrics are red; paragraph signs alternate red and blue. The colophon, from 'Franciscum' to 'anno' is written in cypher in which the vowels are replaced with numerals or a combination of dots. The shelfmark appears on fol. 1r, along with a note in a 15th-century cursive hand, 'M. et idem D. Bernardus postea monachus in sancta Iustina de Padua Dominus hyer^{us} uocatus dono dedit die xxiii martii 1498 Padue'. On fol. 69rb is another note: 'Ego F. etc.'. Quires have alphanumeric markings in the lower right corner of the first recto of each bifolium. Catchwords are centered and framed, sometimes quite elaborately. The MS has a 19th-century parchment over cardboard binding. Fol. 74v is blank.

Vat. lat. 9449	saec. XIV.1
-----------------------	--------------------

Prov. Monteprandone, convent of Santa Maria delle Grazie, O.F.M.
68 fols. memb. 385 (260) x 243 (159) mm, origin Italy. Quiniones, saec. XIV.

fol. 1ra-68vb (*rectius* 1r-30vb, 61ra-68vb, 31ra-60vb) **Guillelmus Duranti**,
<**Repertorium**>, imperfectum (See Vat. lat. 2340 fol. 290ra-347vb for further information.) *Variants:*
(Rubrica) Guilligelmi *pro* Guillelmi (Dedicatio) et *om.* (Textus) Quot sunt articuli fidei *add. post* dicatur (fol. 60vb) (Finis) An propter negligentiam possit quis excommunicari, de cons. dist. I Nemo et secundum papaem de inst. Ex frequentibus (*ed.* fol. 191 r) ///

The original MS is written in a Gothic bookhand in brown ink. One or two quires are missing between fols. 30 and 31, resulting in the loss of the end of title 2.27 through the beginning of title 3.26. The first part of the missing text has been supplied by a somewhat later bookhand in brown ink on fol. 61ra-68vb, continuing from fol. 30vb (*ed.* fol. 79v). This section ends at fol. 68vb with 'An per inuestituras quas quandoque///' (*ed.* fol. 95r). A few notes have been made in the margins, e.g. fol. 57va. Fol. 1ra opens with a multicolored initial in acanthus design with a bust of a teaching doctor in the fill. The decoration continues down the inner margin and across half the bottom margin. Acanthus initials begin Books 2, 4, and 5 at fol. 17vb, 39va, and 42va. Capitals are red or blue with penwork decoration in the contrasting color. Paragraph signs alternate red and blue; rubrics are red. All color ceases with the change of hand at fol. 61r. The entire decoration is typical of north Italian book-making of the first part of the 14th-century. Framed catchwords appear at the lower right for the first six quires. This ex libris appears at the bottom of fol. 1r: 'Locī sanctae Mariae Gratiarum Montis Prandoni ordinis minorum'. On the modern front end paper there is a note, dated 8 jan. 1907, that the four original guard folios, containing liturgical fragments, have been removed and are now fol. 24-27 of Vat. lat. 10646; cf. Vattasso-Carusi II 589. The MS has a modern quarter-leather binding with boards of marbled paper.

Vat. lat. 9665	saec. XIII
-----------------------	-------------------

ZZ antea 8382; Fa.IV.1. **Prov.** Angelo Mai, card. 1838-1854; Assisi, convent of San Francesco, O.F.M.
187 fols. memb. 404 (207) x 265 (130) mm, origin Italy (?). Quiniones, saec. XIII.

fol. 2ra-186vb **Justinianus, Digestum novum** (See Vat. lat. 1421 fol. 1ra-307ra for further information.) *Variants:*
(Rubrica) Domini Iustiniani principis perpetiue augusti iuris enucleati ex omni ueteri iure collecti digestorum pandectarum explicit liber xxx incipit xxxix (*sic*) de operis noui nuntiatione.

fol. 2ra-186vb <**Glossae in Digestum novum**> ac (fol. 41va, 42vb, et passim); az (fol. 53vb, 120rb, et passim); b. (fol. 29rb, 90va); F.A. (fol. 36va); F.Ac. (fol. 67vb); h. (fol. 2va, 116rb, et passim); Ja.b. (fol. 44rb, 53rb); Ja. bal. (fol. 152vb) (**Bibl.** Sella, 'Nuove sigle'); Jo. F. (fol. 48vb); M. (fol. 13vb, 15va, et passim).

fol. 68va-69rb **Accursius, <Glossa ordinaria in Digestum novum, excerpta>** (Dig. 43.1.19-43.17.4)
(Lemma primum textus) *fecero*: Quae mihi non nocet ... (Lemma ultimum) *his*: ... et infra de aqua coti. et aesti. l. i § fi. inter (Dig. 43.20 .1.44) et C. e. l. 1 (Cod. 8.6.1). (Subscriptio) ac.

fol. 180va-186vb **Azo, <Apparatus in titulum De regulis iuris>**
(Lemma primum) *femine*: publica possunt dici offitia ut tutele ... (Lemma ultimum) *Seruus*: ... seruit rei publice causa abesse ut s. de iuri imu. l. *Semper § negotiatores* (Dig. 50.6.6.3). (Subscriptio) az. (**Bibl.** E. Genzmer, 'Gli apparati de Azzone al Digestum Novum 50,17, de diversis regulis iuris antiqui, 1', ASD 1 (1957) 7-11 at 9, noting that this is the beginning of the *apparatus magnus* on *de regulis iuris*; S. Caprioli, 'Tre capitoli intorno alla nozione di "regula iuris" nel pensiero dei glossatori', ASD 5-6 (1961-62) 221-374 at 291 n. 303, 298 n. 338, and using this MS in the edition of glosses to Dig. 50.17.1 and 80 at 360-65 (siglum V); idem, 'Satura lanx 8. Notizie preaccursiane', *Studi medievali* ser. 3, 18 (1977) 217-21, listing this MS at 220 .)

fol. 187r <Incertus auctor, **Consilium de successione**>
(Textus) Iste casus ponitur in liberis qui succexionem materne ... (Finis) et de inoffic. te. *Si proponas* § fi. (Dig. 5.2.23.2) et infra de iure deliberanti l. Quidam (Cod. 6.30.20). (This *consilium* was added in an early 15th-century hand on a much smaller paper folio which was tipped in.)

Bibl. G. Mercati, 'Codici del convento di San Francesco in Assisi' *Miscellanea Francesco Ehrle* (Studi c Testi 41; Roma 1914) 88-97 at 96; Bellomo, *Problemi* 107 n. 18, 117 n. 22; Cortese, *Norma* I 205-06 n. 43, 327 nn. 95-96, 331(-32) n. 113.

The MS is written in a Gothic bookhand in dark brown ink. The text was corrected by a second hand. Some corrections are extensive, such as the erasure and rewriting of whole passages. A correction of the text on fol. 9, involving the rewriting of all of fol. 9rb, still left Dig. 39.3.2 missing. A note in the margin leads to the missing text, which appears in the hand of the main scribe at fol. 172v between the end of Dig. 50.15.8 and the beginning of Dig. 50.16.1. Fol. 177rb-178ra are crossed out as repetitious. The glosses are written in a small spiky hand and are sparse through much of the MS. The apparatus on fol. 180-186 is in a different hand. In this section, the text of *de regulis iuris* only appears in the interior text column. The apparatus fills the exterior text column as well as the surrounding area ruled for it. The text column at fol.

180va is blank, *de regulis iuris* beginning at the top of fol. 180vb. Books open with 'Ipiamus' in elongated letters alternating red and blue. The 'U' is always missing, and the inscription does not vary, regardless of the correct inscription. Title capitals, which were to be indented, and inscription capitals for the individual *leges*, which were to be in the margin, are missing except at fol. 151rb and 163ra, where two title capitals were added in the French style. Capitals for the *leges* are red when present. Rubrics, some of which are missing, are red, paragraph signs alternate red and blue. Catchwords are at the lower right, in decorative frames. Pricking and pecia marks are visible. On fol. 1v is the note 'Digestum nouum conuentus sancti Francisci de Asisio'. Glued to the inside the front cover is the note 'Ex libris bibliothecae Cardinalis Angeli Mai 8392, Fa. IV.1'; the last notation also appears on the spine. The MS is bound in modern parchment. Fol. 1r and 187v are blank.

Vat. lat. 9862-9875	saec. XVII-XVIII
----------------------------	-------------------------

Prov. Joseph Fesch, card. 1803-1839; Michel-Jean-Joseph Brial O.S.B. (1743-1828); Paris, monastery of Saint-Germain-des-Prés, O.S.B.

15 vols.: 432, 391, 489, 390, 363, 544, 469, 556, 359, 483, 343, 501, 563, 582, 133 fols. chart. of various size: 269-389 x 197-269 mm, origin France, saec. XVII-XVIII.

<**Monachi congregationis Sancti Maurii, Materiae variae pertinentes ad Concilia Galliae**>

Cat. Vatasso-Carusi I 12-92 **Ed.** *Conciliorum Galliae tam editorum quam ineditorum collectio temporum ordine digesta, ab anno Christi 177 ad an. 1563 opera et studio monachorum congregationis Sancti Mauri Tomus primus* (Paris 1789); only the first volume was published, of which Vat. lat. 9861 is an exemplar and also contains the very rare proof sheets for the first part of volume 2. **Bibl.** S. Kuttner, 'L'Edition Romaine' 34-38, including a discussion of the texts for the Councils of Lyons at Vat. lat. 9869 fol. 159r-165v; P. Brommer, *ZZ (Anführungszeichen) 'Editorische Probleme bei den 'Capitula episcoporum', 'Proceedings Berkeley 3-11 at 4(-5) n. 8, 7 n. 19, and 9 n. 25 on Vat lat. 9864, MGH Capit. epi. 1, ed. P. Brommer, pp. 95, 195ff., describing Vat. lat. 9864 and using it for Theodulf's first capitulary (siglum *Hildegard I*); MGH Conc. 3, ed. W. Hartmann, p. 405, using Vat. lat. 9864 fol. 247r-275v for the council of Quierzy 858; *Les Conciles de la province de Tours. Concilia provinciae Turonensis (saec. XIII-XV)*, ed. J. Avril (Paris 1987) 46, discussing the provenance of the volumes.*

These volumes are formed from the papers gathered preparatory to the Maurist congregation's edition of the Gallic councils, of which only the first volume ever appeared. Written over an extended period of time, the papers are in many hands, with five major hands appearing again and again in the various volumes. They are composed of everything from small scraps of paper with a few lines to quires of folio size containing carefully executed collations of specific councils. Printed pages with annotations appear irregularly throughout the volumes. Some texts are written in French. Virtually every piece is clearly identified both by date of the council and by a note stating where the material was obtained and the date of the MS from which it was taken. After the dissolution of the congregation, the papers were sold by a survivor, dom Michel-Jean-Joseph Brial (cf. Ph. Schmitz, 'Brial [Michel-Jean-Joseph]', *Dictionnaire d'histoire et de géographie ecclésiastique* 10 (1938) 661-62), to Cardinal Joseph Fesch. Subsequently they were obtained by the Vatican Library; cf. Avril and Kuttner. Cardinal Pitra attempted to put them in order but never finished the work. The organization was finally finished by Henrico Carusi and the volumes were bound in their present order at the beginning of the century; cf. Vattasso-Carusi I x-xi and n. 1. The volumes were then individually foliated with a mechanical stamp in the lower right corner. This foliation replaces the earlier pagination on many of the leaves. The volumes can be grouped into three sections. The first,

composing Vat. lat. 9862-9871, is arranged in rough chronological order, with Vat. lat. 9871 (saec. XVI-XVII) actually falling outside this catalogue's focus. Vat. lat. 9872-9874 form a second chronologically ordered set, with more emphasis on indices and auxiliary documents, such as the *Notitia Galliarum*. Vat. lat. 9875 is a 'scrapbook'. It is composed of sheets of blank paper onto which an average of six to eight small scraps, often with only one line of text, have been glued. Throughout the volumes there are multiple blank folios. Often every verso of a given quire is blank. The volumes were bound in parchment and paper in the period 1903-1912.

Vat. lat. 9945	saec. XVex. (ca. 1495)
-----------------------	-------------------------------

73 fols. chart. 294 (222) x 217 (127) mm, origin Italy (Rome). Seniones, saec. XVex. (ca. 1495).

fol. 1r-21v <Incertus auctor, **Formularium Romanae curiae**>, imperfectum
(Rubrica) Super eodem pro priore. (Textus) Significauit nobis dilectus filius prior prioratus de talis ordinis talis diocesis ... (Finis) prouisio non habet hic locum.

fol. 21v-71r <Incertus auctor>, **Regulae secundum stylum cancellariae sanctae Romanae ecclesiae**
(Rubrica) Incipiunt regule de reuocatoriis super appellationibus secundum stilum cancellarie sancte Romane ecclesie. (Textus) Cum per inferiores iudices aliquid iniuste uel improuide agitur ... (Finis) et eum condemnari et compelli ad restituendum sibi summam ultra sortem receptam necnon uenditionem huiusmodi rescindi coram etc.

fol. 72r-73v <Papa incertus, **Bullae tres**>, imperfectae

Cat. Vattasso-Carusi I 166-67.

The main texts and annotations are written in brown ink in the cursive hand of a curialist from the time of Alexander VI; see fol. 7r *marg.*, '... fuimus ego et Ortega ... die x decembris 1495 pontificatus Alexandri pape vi anno 4'. The texts are damp stained, and some leaves are missing. An older foliation of the present fol. 2-21 as 19-56 reveals that the opening leaves have been lost. So have others between 13 (= old 30) and 14 (= old 49), except for old 43, now bound in at the beginning as fol. 1. The individual forms were numbered consecutively; but nos. 1-105 have been lost, as have most of those between no. 338 and no. 354. The *regulae* are arranged alphabetically. A text was cancelled at fol. 39r. The incomplete drafts of bulls were added in three other cursive hands. The last folio is nearly illegible. The leaves have been strengthened with yellow paper. For the watermarks, cf. Briquet nos. 7538 and 4863. The MS has a 19th-century parchment binding. Fol. 71v is blank.

Vat. lat. 10052	saec. XV (1482)
------------------------	------------------------

Prov. Reuss (?). NEED QUIRE STRUCTURE AND COUNTRY OF ORIGINE
20 fols. chart. 212 (160) x 155 (95) mm, origin Italy. Quiniones, saec. XV (1482).

fol. 1r-20 r <Incertus auctor, **Tractatus de pluralitate beneficiorum**>

(Rubrica, *marg. sup.*) 'Qui non intrat per hostium in ouile ouium sed ascendit aliunde, hic fur est et latro', Johannes decimo <.1> originaliter (Textus) Notandum quicumque intrat aliquod beneficium ecclesiasticum per symoniam per superbiam ... (Finis) in loco inferni cuius parochianus erat. Et tantum de ista materia Amen. Anno Domini 148II in die sancti Sixti pape. (*rubr.:*) 1482.

Cat. Vattasso-Carusi I 408.

Though essentially a piece of moral or pastoral theology, the text includes sections of juridical argumentation, e.g. fol. 11v-13v: 'Ex decretis sacrorum conciliorum', fol. 13r-18v: 'Ex scriptis iurisperorum'.

Right at the beginning (fol. 1r) there is a quotation from 'magister Matheus de Aula Regia doctor sacre theologie Parisiensis uniuersitatis ord.Cist.' This is Matheus von Königssaal (d. 1427; cf. *Dictionnaire des auteurs cisterciens* [Rocheport 1975-79] 488). Since he is not known to have studied or taught in Paris, but did in Prague, the reading of our MS must be an error of the author or the copyist. The title 'Tractatus de pluralitate beneficiorum' was added by a different, probably 16th-century hand, on fol. 1r. On the inside front cover a 19th-century hand wrote the name 'Reuss', perhaps an owner. The watermark, of a pascal lamb, resembles Briquet no. 23. The MS has a paper binding of the 18th or 19th-century. Fol. 20v is blank.

Vat. lat. 10211	saec. XIV
------------------------	------------------

antea 10423, V SA 5.

92 fols. memb. 345 (335) x 245 (222) mm, origin Italy (Bologna?). Quaterniones, saec. XIV.

fol. 1ra-92vb **Justinianus, Institutiones**, imperfectae (Inst. 1.1-4.14.4 in med.) (See Vat. lat. 1432 fol. 1ra-78rb for further information.) *Variants:*

(Inscriptio) Flauianus *pro* Flauius Iustinianus; goricus franciscus *pro* gotticus francus (Rubrica) Institutionum seu elementorum proemium incipit rubrica.

(Rubrica textus) Rubrica *add. post iure* (Finis) ne ab eis ea peccunia peteretur ///

fol. 14ra-92vb <**Accursius, Glossa ordinaria in Institutiones**>, imperfecta (Inst. 1.24.1 in med.-4.15 in prin.)

(Lemma primum) <*Sed et si*>. (Textus) /// eadem in curatoribus pluribus locum habent ... (Lemma ultimum) *quasi possessione*: ... (Finis) et ff. si seruitus uen. 1. *sicut*. § Aristo (Dig. 8.5.8.5) /// (**Ed.** and **Bibl.** See Vat. lat. 1432 fol. 1ra-78rb and *add.*: V. Valentini, 'L'ordine degli apparati Accursiani in una notizia di Angelo degli Ubaldi', *Tijdschrift voor Rechtsgeschiedenis* 53 (1985) 99-134.)

fol. 14ra-92vb, passim <**Additiones ad Glossam ordinariam**> dy (fol. 79vb); f. (fol. 79va,

80va, et passim); az. (fol. 17rb); n. (fol. 1ra); Simon (fol. 86va); Sy. (fol. 26rb, 85ra).

Cat. Vattasso-Carusi I 563, Dolezalek, *Verzeichnis* 2. **Bibl.** Sella, *Sigle*.

The MS is written in *littera bononiensis*. The text is in gray-brown ink to fol. 5v, in black thereafter. Fol. 77r-86v are written with a single column of text and two columns of apparatus. The apparatus is in a lighter gray ink. The apparatus is keyed to the text by a system of both letters and lemmata. Additions, very sparse at the beginning, have been made in several hands, one of which is 16th-century. An historiated 'I' with acanthus tendrils begins the preface at fol. 1ra. Spaces have been left for initials at the beginnings of the other books. Capitals and paragraph marks alternate red and blue, the former with red or violet penwork decoration irregularly added by a later hand. Rubrics are red, sometimes written by a separate hand. Running titles are composed of 'L' on the verso and the book number on the recto. The lower margins of fol. 3-18 have been cut and/or torn and have recently been repaired. According to Vattasso-Carusi (q.v.), the MS was formerly numbered 10423 and also had a previous binding with the shelfmark 'V SA 5.' The MS has been rebound since the publication of the Vattasso-Carusi catalogue. It now has an early 20th-century quarter-leather and linen binding.

Vat. lat. 10269	saec. XIII
------------------------	-------------------

Prov. Vincentius de Lottis, canon.

166 fols. memb. (chart.: fol. 1) 174 (136) x 120 (90) mm, origin France. Seniones, saec. XIII.

fol. 2ra-164va **Goffredus de Trano, Summa super titulis Decretalium** (See Vat. lat. 2309 for further information.) *Variants:*

(Rubrica) Incipit summa Gaufredi de titulis decretalium. (Finis) reperi[ri]. *pro reppeti* (Colophon) Explicit summa Gaufredi de titulis decr. (fol. 165ra-166rb) <Tabula titulorum>.

Cat. Vattasso-Carusi I 605-07.

The codex, a companion to Vat. lat. 10270, is written in brown ink, in what is probably a French Gothic hand, and corrected by the scribe. There are very occasional cursive glosses. Book I (fol. 2ra) opens with a red and blue capital with penwork decoration. Books II-IV each open with a similar capital followed by the rest of the first word in capitals alternating red and blue. Book V has the first word in alternating red and blue capitals. Running titles are composed of 'L' on the versos and the book number, in alternating blue and red letters, on the rectos. Rubrics are red; capitals and paragraph signs alternate red and blue, the capitals with violet or red decorations. No charts or illustrations accompany the chapters on consanguinity, etc. (fol. 120rb ff). A medieval hand numbered each column of text; the present foliation, running serially through Vat. lat. 10270, is modern. Fol. 1r has a dated signature by an owner: '1826. Canonicus Vincentius de Lottis' (see Vat. lat. 10270 fol. 344v), and the notation 'Vat. P.1^a', written twice. No catchwords are visible. The parchment, very thin, has been glued to sheets of paper for protection; the ink has bled badly, and some folios are partly illegible. The binding is of 19th-century leather. Fol. 1v and 166v are blank.

Vat. lat. 10270	saec. XIII
------------------------	-------------------

Prov. Vincentius de Lottis, canon.

187 fols. (fol. 167-354) memb. 175 (135) x 118 (89) mm, origin France. Seniones, saec. XIII.

fol. 167ra-240va **Raymundus de Pennaforte O.P. (s.), Summa de casibus poenitentiae** (See Vat. lat. 2301 fol. 24ra-287vb for further information.) *Variants:*

(Rubrica) R. de Penaforti pro Raymundi. (Colophon, *add.*) Amen. Explicit summa de casibus Magistri Raymundi ordinis predicatorum (Magistri ... predicatorum *al. man.*).

fol. 241ra-253ra **Raymundus de Pennaforte O.P., Summa de matrimonio** (See Vat. lat. 2301 fol. 287vb-333vb for further information.)

fol. 253rb-257vb **Innocentius IV, <Constitutiones novellae (Coll. I & II cum appendice**

septem extravagantium)>

(Rubrica) Innoc. III^{us} in concilio Lugdun. (Inscriptio) Innocentius episcopus ... uniuersitati magistrorum et scholarium Bononie ... apostolicam benedictionem. (Praefatio) Cum nuper in concilio Lugdun. quasdam constitutiones ... (Inscriptio) Innocentius III^{us}. (Rubrica) De rescriptis. (Textus) Cum in multis iuris articulis infinitas reprobetur ... (Finis) et beatorum apostolorum Petri et Pauli eius se nouerit incursum. (**Ed.** See Vat. lat. 1381, fol. 11rb-260vb passim. **Bibl.** Kessler, 'Untersuchungen' I 264 and 292: this is the integrated form of Coll. 1 and 2, with an appendix of 7 *extravagantes*, of which the last is *Non solum.*)

fol. 258ra-327rb **<Guillelmus Redonensis O.P., Apparatus in Summam Raymundi de casibus poenitentiae>** (See Vat. lat. 2301 fol. 24ra-287vb for further information.) *Variants:*
(Textus) c. primo *pro c.ii* (Colophon *add.*) Explicit Deo gratias.

fol. 328ra-343rb **<Guillelmus Redonensis O.P., Apparatus in Summam Raymundi de matrimonio>** (See Vat. lat. 2301 fol. 287vb-333vb for further information.) *Variants:*
(Rubrica *praem.*) Incipit summa de matrimonio. (Colophon *add.*) Explicit.

Cat. Vattasso-Carusi I 605-07. **Bibl.** B. Mattiauda, 'Un codice prezioso del secolo XIII', *Il Bibliofilo* 1 (1880) 1-19, on this MS and its companion, Vat. lat. 10269.

This codex was written and corrected by the same scribe, and decorated by the same artist, as Vat. lat. 10269; at the bottom of fol. 167r is the note 'Vat. P. 2^a'. As in the latter there are very occasional cursive glosses, there are no catchwords, and the very thin parchment sheets have been glued to paper for protection. The medieval numbering in this MS is for folios rather than columns, it ends with CLXII, renumbered 327, i.e. at the end of the first apparatus. The remaining numbers might have been cut away when the folios were trimmed. The same modern hand that foliated Vat. lat. 10269 did this codex also, serially, so that the first folio here is 167. This numeration goes right through a copy of the article by Mattiauda cited above, which is bound with the codex (fol. 346r-354r). It is separated from the medieval MS by a single sheet, fol. 344, whose verso bears the dated note: '1826. Comprai questo libro dal venditore del tabacco, e dovea perire'; this is in the same hand that signed fol. 1r of Vat. lat. 10269, i.e. that of canon Vincentius de Lottis. The binding is of 19th-century leather. Fol. 327v, 343v-344r, and 354v are blank.

Vat. lat. 10274	saec. XIV ex.
------------------------	----------------------

<I> +362 fols. + 254b + <I> memb. 166 (100) x 115 (75) mm, origin Italy(?). Quiniones,

saec. XIVex.

fol. 1ra-358vb **Bartholomaeus de Sancto Concordio O.P., Summa de casibus conscientiae** (See Vat. lat. 2319 fol. 1ra-239va for further information.) *Variants:* <Praefatio deest.> (Colophon) Et sic est finis sit laus et gloria trinis. (Colophon secundus) Explicit summa de casibus conscientie, compilata per ... Bartholomeum de sancto Concordio Pysanum ... Consummata uero anno domini m^o ccc^o xxxviii de mense decembris in ciuitate Pysana tempore Benedicti pape XII.

fol. 358vb <Incertus auctor, **Quaestio et responsio de natura Summae**> (Textus) Queritur quare summa presens est breuior summa prima de qua extracta est ... (Finis) Item summa precedens allegando seipsam multum prolixè procedit quod in ista cito expeditur.

fol. 359ra-359rb <Incertus auctor, **Tabula abbreviationum in Summa Bartholomaei de Sancto Concordio**> (See Vat. lat. 2318 fol. 192vb-193ra for further information.) *Variants:* (Rubrica) Sequuntur declaraciones de abbreviaturis in presenti opere scriptis seu inuentis. (Finis) et ad confirmandum ponuntur *add.*

fol. 359ra-362vb <**Tabula alphabetica Summae Bartholomaei de Sancto Concordio**>, imperfecta
(The table breaks off at the end of a quire; the catchword is 'Restitutio III^o.)

Cat. Vattasso-Carusi I 610; **Bibl.** Kaeppli, *Scriptores* I 164 (no. 436).

The MS is in a single late 14th-century proto-humanist hand, in ink which varies from gray-brown to black. Fol. 1ra opens with a blue and red capital with elaborate, but amateurish penwork. Other capitals are blue with red or red with violet penwork decoration in the same style. Paragraph signs alternate red and blue. Catchwords are at the lower right to fol. 89, thereafter centered. Quires have separate alphanumeric markings (a1-5 etc.) There are marginal notes and corrections in several hands. Fol. 1r is damaged and partly illegible; the shelfmark has been written in the upper margin. The MS is bound in wood boards with a leather spine.

Vat. lat. 10692	saec. XIII med.
------------------------	------------------------

antea 10606.

I + 194 fols. memb. 360 (222) x 231 (115) mm, origin Northern France (?). Quaterniones, saec. XIII-XIV.

Ira-va <**Tabula titulorum Decretalium**>, imperfecta
(The table begins with X 3.6.)

fol. 1ra-194vb <**Gregorius IX, Decretales**>, imperfectae (Praef.-X 5.39.56 in prin.) (See Vat. lat. 1379 fol. 1ra-295ra for further information.) *Variants:* (Inscriptio) Bononie commorantibus *om.* (Rubrica textus) Incipit liber primus

praem. ante De summa (Inscriptio textus) *ati pro* in (Finis) duobus collata
potestas ut a minori excommunicatione ///

Cat. Vattasso-Carusi II 669-70.

The MS is written in Gothic bookhand, in brown inks. The script, by several hands, varies in quality; some parts are quite uneven. Fol. 1r opens with 'Gregorius' in display script. Capitals, rubrics, and paragraph signs are red; the capitals have simple penwork decoration. The books of the *Decretales* are headed by small panels with crude penwork decoration in red. Catchwords are framed at lower right, although most have been cut away. Pricking is occasionally visible. The MS has been corrected in two hands following draft instructions in a large awkward notula by stilus (cf. fol. 17r). The uneven writing and the primitive decoration exclude production of the MS in a professional workshop. There are no glosses, and apparently the MS was never intended to have any. Ir *marg. inf.* has a rough genealogical diagram with the name 'pater Martinus' at the top and other names of four couples descending in two branches. The parchment of fol. 120 has been mended with yarn. At least one folio (probably more) has been cut away after fol. 50 (the resulting lacuna is X 2.2-10 med.-2.7.4 med.), another bifolium has been lost between fol. 73 and 74 (the lacuna is X 2.23.13 in prin.-2.24.16 fin.) Another lacuna occurs between fol. 192vb and 193ra (X 5.35.2 med.-5.39.40 med.) A folio has been cut away between fol. 115 and 116 (the left side of the innermost bifolium of the quire) but there is no lacuna in the text at that point. Fol. 62, 115, and 180 have been mutilated, but with no loss of text. The last folios have been damaged by waterstaining. According to Vattasso-Carusi (q.v.), the former shelfmark of this MS is 10606. The MS has a 19th-century cardboard binding, conserving on the spine the remnants of an older leather one.

Vat. lat. 10726	saec. XV (ca. 1442-1443)
------------------------	---------------------------------

Prov. Johannes de Guidonibus de Accumulo. **Scr.** Johannes de Guidonibus de Accumulo.

XI + 514 fols. + 407a -(436-445) chart. 295 (228) x 212 (118) mm, origin Italy (Viterbo; Tarquinia; Norcia; Perugia). Seniones et quiniones, saec. XV (ca. 1442-1443).

Ir-XIv, 58r-60v, 67v, 86r-93v, 102r-103v, 112r-v, 115v-120v, 132v, 141r, 142r-143v, 147v, 151r, 159v, 162v-164r, 168r-169r, 172r, 174v, 186r, 201r-v, 202r-v, 227r-229r, 230v-233r, 236r, 244v-269v, 275v-276v, 284r-296v, 296v-302r, 303r-304v, 305r-316r, 317v-318v, 324v, 325v, 329v, 342r-347v, 349r, 350r-v, 361v-362v, 371r-409v, 482v, 488r, 490v, 496r, 497v-500v, 503v <Auctores varii, **Consilia**>, nominantur: Adrianus de Eugubio (fol. 174v); Albertus Galeottus (fol. 306r); Albertus de Pisis (fol. 172r); Alexander d. Angeli de Ubaldis (fol. 376v-379v); Alexander Salvus (Xr-v); Amicus Agnifilius de Roccha de Aquila (fol. 91r-92v); Andreas Ciaffi de Pisis (fol. 306r); Angelus de Ubaldis (VIIr-v, VIIv-VIIIr, VIIIr-v, fol. 60r, 201v, 202v, 247v-248r, 255r-v, 256r-v, 261v, 313r); Angelus Johannis de Perusio (fol. 285r-v); Antonius de Benciolis de Canario (fol. 405v-406r); Antonius de Casellis de Perusio (fol. 253r-v); Antonius de Presbiteriis (fol. 266r-v); Baldassar Calderinus (fol. 266r-v); Baldus de Ubaldis (Iv, Iir-v, Iiv, XIv [4: 1= **Ed.** Baldus, *Consilia* V fol. 3vb cons. 9; 3 = V 112vb cons. 423], fol. 60-v [III 137vb cons. 476, cum additionibus Bartholomaei de Saliceto *in marg.*], 86r-v [?], 93v, 101v [V 130rb cons. 488], 103v, 112v, 116v [*rep.* fol. 186r], 140r *marg.*, 140v-141r, 142r, 142v, 143r, 147v, 159v, 163v-164r [cf. IV 115ra cons. 491], 201r, 201v, 227r-v [*rep.* fol. 305v], 231v-232r, 236r, 245r [*rep.* fol. 254r], 246r-v,

247v-248r, 249r-v, 250r, 253r-v, 254r, 255r-v, 261r, 261v, 262r, 263r, 264r, 265v, 267r [2], 286v, 288v, 295r, 296r [III 130va-vb cons. 446], 296v, 299v, 305v [2], 306v, 306v-307r, 307r, 317v, 317v-318r, 343r-v, 345v, 349r [2], 361v, 362r-362v, 488r, 496r, 499r [2], 499v-500v, 500v); Bartholomaeus de Amiterninis (fol. 92v); Bartholomaeus de Mezzaprile (fol. 310r-311v); Bartholomaeus de Saliceto (fol. 266r-v, 309r-310r, 310r-311v [**Bibl.** Belloni, *Professori* 167]); Bartolus de Saxoferrato (fol. 67v [**Ed.** Bartolus, *Opera omnia* X fol. 43vb-44ra], 112v [X 34vb], 120v [X 45va-vb], 137r *marg.*, 142v-143r [X 42ra], 147v [*rep.* fol. 162v; X 32rb], 151r [X 62vb; **Bibl.** A. Campitelli, 'Una raccolta di "Quaestiones" in tema di documenti guarentigati e il *Tractatus de Guarentigato instrumento* attribuito a Guido da Suzzara', *Annali di storia del diritto* 10-11 (1966-67) 527-46, at 542 and n. 6, incorrectly stating ZZ that this *consilium* is not in the printed Bartoline corpus (article also printed in G. D'Amelio et al., *Studi sulle "Quaestiones" civilistiche disputate nelle Università medievali* [Studi e ricerche dei 'Quaderni catanesi' 1; Catania 1980] 57-95)], 174v, 227r [X 45ra], 227v [X 31vb], 228r-229r [X 26va-vb], 230v [2: X 27rb-28va, 29ra-rb (imperfectum)], 232r-233r [X 15rb-vb], 244v [X 50ra], 244v-245r [X 40ra-rb], 245r [X 72rb], 245r-v, 245v-246r [X 40vb-41ra], 247v [*rep.* 324v; X 43va], 254v-255r, 260v, 262v, 264r, 264v-265v, 265v *marg.*, 267r-v, 267v-269v, 276v, 284v [X 50rb-va], 286v [X 71va], 291v [X 39va], 295v-296r, 296r, 296v [X 10vb], 300r-v [X 30ra-rb], 300v [3: X pag. 192b; X 33ra; X 3rb-va], 301r [X 40vb], 301r-v, 301v-302r [X 25va-26ra], 303v [2: X 40vb-41ra; X 27vb], 303v-304r [X 42ra-rb], 304r, 304r-v, 305r, 305v, 307v [X 42va-vb], 308v, 316r [**Ed.** and **Bibl.** J. Kirshner, 'Civitas sibi faciat civem: Bartolus of Saxoferrato's doctrine on the making of a citizen', *Speculum* 48 (1973) 694-713, with a new edition of the *consilium* at 713 using this MS: siglum Vb], 318v [X 43vb-44ra], 325v [2: 2nd = X 56ra-rb], 342v-343r [X 71vb], 343v-344r [X 71ra], 344r, 482v [X 70ra], 490v [X 47vb-48ra]); Benedictus de Boncontibus de Nursia (fol. 59r-v [cum additionibus Johannis de Guidonibus de Accumulo], 86r-v [?]); Kataldinus de Boncompagnis de Visso (fol. 257r-259v [cum refutatione fol. 260r], 375r-376v, 380v-381r, 381v-383v, 383v-384r, 384r-385v, 386r-387r, 388r-389v, 390r-391r, 391r-392r, 392r-393r, 393r-394r, 396r-397v, 397v-398r, 409v [**Bibl.** R. Abbondanza, 'Boncompagni, Cataldino', *DBI* ZZ 11.682-86]); Cinus de Pistorio (fol. 140v, 285r [**Ed.** Cino da Pistoia, *Le 'Quaestiones' e 'Consilia'*, ed. G.M. Monti (Orbis romanus 13, Milano 1942) 144, from this MS], 294r [Cino, 111-12, from this MS], 306r [Cino, 108-111, from this MS]); Corradinus de Nuceria (fol. 404v-405v); Cyprianus de Bonavoglis de Fulgineo (fol. 376v-379v); Dinus de Mugello (fol. 247r-v); Dinus <de Torselleriis> de Pistorio (fol. 315r-316r [**Bibl.** Maffei, 'Lectura di Cino' 59 n. 191, identifying the author]); Dionysius d. Nicolai de Barigianis (fol. 86v, 112r [cum additionibus Johannis de Guidonibus de Accumulo], 168r-v, 202r, 344r-v, 347r-v, 387r-388r, 403r); Florianus de Sancto Petro (fol. 202r-v [excerptum]); Franciscus de Albergotis (fol. 115v [excerptum; **Ed.** *Consiliorum seu responsorum* ... ed. J.B. Zilettus (Venetiis 1566) I.8], 398v-399v); Franciscus Angeli de Perusio (fol. 253r-v); Franciscus Antonii de Silvestrinis (fol. 376v-379v); Franciscus d. Baldi de Ubaldis (fol. 376v-379v); Franciscus Cole de Amatrice (fol. 376v-379v); Franciscus de Ramponibus (fol. 250r-253r, 314r-v);

Franciscus de Spoleto (fol. 163r); Franciscus Tigrini (fol. 60v, 133r *marg.*, 260v [2], 276v, 291v-292r, 298r, 299r-v, 408v-409r); Fredericus de Senis (fol. 132v [**Bibl.** T.M. Izbicki, 'The problem of canonical portion in the later Middle Ages: The application of "Super cathedram"', *Proceedings Cambridge* 459-73 at 463 n. 20], 246v [**Ed.** Fredericus Petrucius, *Consilia seu mavis responsa ...* (Venetiis 1576) fol. 126r], 260r [2: 1 = ibid. fol. 47r, #10]); G. (?) (fol. 231r); Gaspar Calderinus (IIIr-v, fol. 314v-315r [**Bibl.** Bellomo, 'Calderini' 120 and n. 8, 123-24 and n. 20]); Griffolus de Monte Politiano (fol. 143r-v); Guido de Guidonibus (?) (fol. 375r-376r); Guido de Suzaria (fol. 116v [**Bibl.** Ascheri, 'Consilium sapientis' 575]); Guillelmus de Perusio (VIIr-v, 248v-249r, 285r-v); Henricus de Guigliarmis de Lugo (fol. 311v); Honofrius de Bartolinis (IXr-Xr, 140r *marg.*, 314r); Innocentius (fol. 246v-247r); Jacobus d. Antonii de Contiis de Visso (fol. 394r-395r, 395r-396r, 397v-398r, 398r-v); Jacobus de Arena (fol. 264v *marg.*, 295v, 308r-v); Jacobus Butrigarius (fol. 496v); Jacobus de Lucianis de Accumulo (fol. 91r); Johannes Andreae (fol. 265v-266r, 343v, 409r-v); Johannes de Becchalitis de Eugubio (fol. 407v-407a^v, 407a^v-408v); Johannes de Bennatis de Asculo (fol. 403r-404v); Johannes Calderinus (IIIr-v, fol. 284r-v [**Bibl.** Bellomo, 'Calderini' 119-20 and n. 8, 123-24 and n. 20]); Johannes de Cam^o (fol. 255r-v); Johannes de Canemortuo (fol. 299r); Johannes de Imola (Xr); Johannes de Lapis (fol. 250r-253r); Johannes de Lignano (fol. 250r-253r, 266r-v, 316r, 342v [**Bibl.** McCall, 'John of Legnano' 434]); Johannes de Montesperello (fol. 117r-120v [**Ed.** Johannes Petrutius de Montesperello, *Consiliorum seu mauis responsorum ...* (Venetiis 1590) p. 2]); Johannes de Novellis de Asculo (fol. 403r-404v, 409v); Johannes d. Pacis de Maneriis de Aquila (fol. 93r-v); Johannes Pagliarensis (IIIv-IVr, fol. 116v); Johannes de Podio (fol. 250r-253r); Johannes de Riccis (fol. 250r-253r); Johannes de Sanctutiis (fol. 250r-253r); Johannes de Scaffalibus de Fulgineo (fol. 376v-379v); Julianus Bini de Perusio (fol. 112v, 253r-v, 349r); Laurentius d. Hermanni de Perusio (fol. 376v-379v); Laurentius d. Jacobi de Perusio (fol. 376v-379v); Laurentius de Randolphis de Perusio (fol. 294v-295r); Lellus Cole de Perusio (fol. 285v-286v); Ludovicus de Sardis de Ferraria (fol. 376v-379v); Marcus de Angelellis de Perusio (Vr-VIIr, VIIIv-IXr, 263v, 305v, 308r, 342r-v); Martianus de Melacinis (fol. 91r); Martinus de Fano (fol. 264v *marg.*); Martinus Syllimani (fol. 298r, 298v); Matthaëus Philiciani (VIIIv-IXr, fol. 314r, 346r-347r, 388r, 400r-401r); Matthaëus d. Vannicti de s. Genesio (fol. 297r-v cum notationibus Johannis de Guidonibus de Accumulo); Michael de Aretio (fol. 404v-405v); Nicolaus Alexandri de Perusio (fol. 141r, 142r-v, 307r-v); Nicolaus Cremonensis (fol. 292r [**Ed.** and **Bibl.** M. Bellomo, 'Giuristi cremonesi e scuole padovane. Ricerche su Nicola da Cremona', *Studi in onore di Ugo Gualazzini*, 2 vols. (Milano 1981) I 81-119 at 84 and nn. 13 and 15, 90 n. 43, edited at 102-03]); Nicolaus d. Francisci de Cambionibus de Prato (fol. 250r-253r); Nicolaus d. Lelli de Perusio (Vr-VIIr); Nicolaus de Mattherellis (fol. 294r [**Ed.** M. Bevilacqua, 'Nicolai de Mactarellis Consilium de pace promissa et non servata', *Latinitas* 8 (1960), 218-20, from this MS. **Bibl.** Bellomo, 'Giuristi cremonesi ...' 84, nn. 13 and 15, 90 n. 43, and 103]); Nicolaus de Porcianario de Aquila (fol. 87r-90v); Nicolaus de Quartariis de Sulmona (Ir [excerptum]); Odofredus (fol. 264v *marg.*); Paulus (fol. 376v-379v); Paulus de Castro (fol.

371r-373v, 373v-374r [excerptum] **Bibl. Belloni, Professori 291**); Paulus Simeonis (fol. 267v-269v); Paulus de Tuscanella (fol. 299r); Petrus d. Alberici de Pisis (fol. 262v); Petrus de Altasis de Pisis (fol. 103v); Petrus de Amandula (fol. 406r-407v); Petrus de Ancharano (IIIr-v [**Bibl. Bellomo, 'Calderini' 123-24 and n. 20**], XIr-v, fol. 116r [cum additione Johannis de Guidonibus de Accumulo], 503v); Petrus de Asti (fol. 350r-v); Petrus Georgius de Alme Richys de Pisauro (fol. 260r); Petrus de Ubaldis senior (IVr-Vr, Vv-VIIr, fol. 169r [excerptum], 201r, 230v-231r, 236r, 247v-248r, 249r-v, 253r-v, 253v, 260r [excerptum], 263v-264r, 264r, 275v-276v, 311r-313r, 329v, 350v); Petrus Vencioli (fol. 253r-v, 286v); Philippus d. Thome de Ursinis (fol. 250r-253r); Raynerius de Pagliarensibus (fol. 307r-v); Raynerius de Forlivio (fol. 245r); Sanctes de Dionisiis (fol. 250r-253r, 266r-v); Signorulus de Homodeis (fol. 497r-498v [**Ed. Signorulus de Homodeis, Consilia ac quaestiones ...** (Ludguni 1549) fol. 1]); Thomas de Angelellis (fol. 266r-v); Torellus de Torellis (fol. 202v, 294v, 379v-380r); Troilus de Boncompagnis de Visso (fol. 401r-403r [**Bibl. R. Abbondanza, 'Boncompagni, Cataldino', DBI ZZ 11.682-86 at 685]**); Ubertus (fol. 343v); Ufreditus d. Petri de Perusio (fol. 276v); Venantius de Cammereno (fol. 344v-345v); incerti auctores (fol. 58r-v, 102r-103r, 112v, 162r, 162r-v, 229r [2], 250v *marg.*-251r *marg.*, 254r, 261r, 287r, 287r-v, 287v, 288r-v, 288v, 289r [2], 289v, 289v-290v, 290v-291r, 292v-294r, 299v, 300r [mutil. in prin.], 347v [2], 374r, 374v, 409r).

(The *consilia* on fol. 287r-291r, 292v-294r have marginal annotations, giving book and folio number, which suggest that they were excerpted *in toto* from another collection. They are not in the hand of Johannes de Guidonibus de Accumulo, although the texts which separate them are. Among them, only the Baldine *consilium* at fol. 288v is attributed.)

fol. 1r-v **Henricus VII, Const.** *Ad reprimenda* (See Vat. lat. 1437 fol. 67ra-71ra for further information.) *Variants:*
(Invocatio) Ihesus Christus. (Rubrica) clementia *pro* gratia (Textus) reprimendum *pro* reprimenda (Finis) temporis *add. sup.* expectatione.

fol. 1v-2r <**Henricus VII, Const.**> *Quoniam nuper* (See Vat. lat. 1437 fol. 71ra-72va for further information.) *Variants:*
<Rubrica deest.> (Finis) anno v^o imperii primo et M^oCCCXIII aliis nostris rebellibus consilium (*sic*) uel per quod comodius in rebellionem persistere valeant impendendo *add. post* pertinent rebellando; incursum *pro* incurrisse (Datum) pridie kalendis aprilis aliis *praem. ante* nonas.

fol. 2r-23r **Bartolus <de Saxoferrato, Apparatus in Const.** *Ad reprimenda* (See Vat. lat. 1437 fol. 67ra-71ra for further information.) *Variants:*
(Rubrica) super *pro* in; Rubrica *add. post* procedatur (Praefatio) magistraliter *pro* integraliter; comodioris *pro* conditoris (Finis) de statutis *om.*, statuta ligent *add. post* tempore (Subscriptio *add.*) Bartolus.

fol. 23r-28v **Bartolus de Saxoferrato, Apparatus in Const.** *Quoniam nuper* (See Vat.

lat. 1437 fol. 71ra-72va for further information.) *Variants:*
 (Rubrica) Qui sint rebelles rubrica. (Praefatio) dixi *pro* dixit (Textus) rationem
 que mouit *pro* rationes que mouent (Finis) data *pro* datum (Subscriptio) Bartolus
 de Saxoferrato. (Colophon) Explicit apparatus Bartoli super tractatu Qui sint
 rebelles.

fol. 29r-35v <**Jacobus Egidii, Tractatus**> **de reprobatione testium** (See Vat. lat. 2656
 fol. 69vb-72vb for further information.) *Variants:*
 <Rubrica deest.> (Invocatio) In nomine Domini amen. (Praefatio) Incipit doctrina
 ad reprobandum testes. Et in primis reprobantur infames serui rectores
ecclesiasticarum ... (Textus) Testium falsitati facilitati et uarietati ... (Finis)
 uidentur esse neglecta ff. de iniuriis l. Apud Labeonem § hoc edicium (ZZ Dig.
 47.10 .15.26). (Subscriptio) Hoc *pro* Et hec; nos *pro* breuiter; Innocentius *add.*
post sufficiat (Colophon) Deo gratias. Alibi reperi quod iste tractatus fuit Iohannis
 Andree utriusque iuris doctoris. <Epilogus deest.> (**Bibl.** Izbicki, 'Problems in
 TUI' 484, noting that Ziletti attributes this to Bartolus; Calasso, 'Bartolo',
 questioning Bartolus's authorship; Peruzzi, 'Angelus de Amelia' 31-38, finding
 Jacobus to be the author. This copy has the preface found at Bartolus, *Opera*
omnia X fol. 167va, followed by a list of subjects in the tract before the incipit
 itself. It includes the additions through X fol. 169vb.)

fol. 35v <**Johannes de Guidonibus de Accumulo, Notationes de testibus**>

fol. 36r-57v, 61r-67r, 140v-141r, 156v-157r, 169r, 175r-178r, 178v-185r, 186v-188r,
 206v, 226v-227r, 229v-230v, 236v-244v, 483v, 505v <Auctores vari,
Quaestiones>, nominantur: Andreas de Isernia, Quaestio 'Quidam eodem
 momento' cum additionibus Iohannis de Guidonibus de Accumulo (fol. 36v);
 Angelus Pauli de Castro, Quaestio 'Quero quid si' (fol. 483v); Angelus de Ubaldis,
 Quaestiones ZZ 'Bononiensis sue ciuitatis' cum additionibus Iohannis de
 Guidonibus de Accumulo (fol. 37r-44r: 'MCCCCLXXXIII ... respondit ...
 Ugholinus de Pilis de Fano Bononiae'), 'In refulgenti delitiarum' cum additionibus
 Iohannis de Guidonibus de Accumulo (fol. 44v-48v; 'in studio paduano'), 'Exorta
 guerra' (fol. 49r-57v; 'respondit dominus Angelus de Narnia ... Bononie ... 1392
 die penultimo aprilis'), 'Renouata guerra' (fol. 61r-67r; 'Padue ... M° CCC°
 LXXXVI die quinta iulii'), 'Duo nobiles Gallici' (fol. 236v-244v); Baldus de
 Ubaldis, Quaestio 'Quero utrum ex processu' (fol. 140v-141r); Bartolus de
 Saxoferrato, Quaestiones IV (fol. 176v-178r [**Ed.** Bartolus, *Opera omnia* X fol.
 78va-79vb]), VII (fol. 178v-180v [X 81va-82va. **Bibl.** Bellomo, *Problemi* 148-
 50]), I (fol. 181r-185r [X 74ra-75vb]), VIII (fol. 186v-188r [X 83vb-84va]),
 XVIII (fol. 302r-303r [X 90ra-vb]); ZZ Kataldinus de Boncompagnis, Quaestio
 'Quero utrum annus' (fol. 156v-157r); Cinus de Pistorio, Quaestio 'Notatur in lege'
 (fol. 140v [**Ed.** Cino, *Quaestiones* 78-79]); Dinus de Mugello, Quaestiones
 'Consuevit queri' (fol. 36r), 'Quidam accusatus fuit' (fol. 36r-v), 'An credatur
 scripture' (fol. 169r); Guido de Suzaria, Quaestio 'Statuto cavetur quod nemo' (fol.
 230r-v); Johannes de Guidonibus de Accumulo (?), Quaestio 'Quero aliquis vult'
 (fol. 505v); Nicolaus de Matherellis, Quaestio 'Quidam petiit a Titio' (fol. 175r-

176r [Ed. M. Bevilacqua, 'Una "quaestio" di Niccolò Matarelli (Vat. lat. 10726)', *Collectanea Albareda* I 139-57 at 151-57, using this MS]; Odofredus, Quaestio 'Queritur hic si aliquis' (fol. 226v); incerti auctores, Quaestiones 'Quero an marito mortuo' (fol. 206v), 'Quidam in suo testamento' (fol. 227r), 'Statuto civitatis cavetur' (fol. 229v-230r), 'Quidam Reynus de civitate' (fol. 230r), 'Statuto cavetur quod quis' (fol. 230r), 'Quero quid est' (fol. 483v), 'Quid sit est' (fol. 483v), 'Committitur quandoque electio' (fol. 505v), 'Proponitur quod Petrus' (fol. 514v).

fol. 67r *marg. inf.* <**Johannes de Guidonibus de Accumulo, Nota de stipendariis**>

fol. 68r-85v **Antonius de Benciolis de Canario, Tractatus de executione**

instrumentorum, imperfectus (See Vat. lat. 8068 fol. 279r-292v, 297r-298v for further information.) *Variants*:

(Invocatio) Ihesus Christus. (Rubrica) Tractatus circa materiam executionis ystrumentorum per dominum Anthonium de Cannario. (Textus) per numerum; ystrumentorum *pro* instrumentorum (fol. 84v) (Finis) sed quia tutus naturali equitate quod dicit esse notandum. (Epilogus) Expeditus sit tractatellus iste ad laudem et gloriam omnipotentis Dey ... ut facilius possint inueneri tabulam subitio per numerum ut infra notantur. <Tabula> ... (fol. 85v) (Colophon) Cui finem feci ego Iohannes Accumbulensis. die xxiii. septembris 1443 inter horam xviii et xviii apud Nursiam. (Ed. TUI 5 fol. 39r-45r. This MS lacks the last four sections of the edition and adds the epilogue and summary table.)

fol. 94r-96v **Angelus de Ubaldis, Tractatus de inventario** sive in § *Haec stipulatio*

(Dig. 35.3.1.9), versio altera

(Rubrica) Incipit tractatus de confentione (*sic*) inuentarii compositus per dominum Angelum super l. i. § Hec stipulatio ff. Si cui plus quam per l. Fal. (Lemma) *Hec stipulatio*. (Textus) Hic declaratur qualiter stipulatio hic interponitur et quid per eam reuocetur ... (Finis) qui se putant posse conficere inuentarium uel iam facti beneficio gaudere. (Colophon) Et sic expeditus est inuentarii tractatellus in uestrarum lectionum discursu. Deo gratias amen. Agnelus (*sic*) de Ubaldis de Perusio. (Ed. Cf. TUI 8.2 fol. 155va-156rb and Angelus de Perusio, *Super C[odice]*, ... [Lugduni 1522] fol. 165vb-167rb. **Bibl.** Izbicki, 'Problems in TUI' 480. This version varies from both the form of the tract in Vat. lat. 2363 fol. 61ra-64va and from that of the *tractatellus* found in Vat. lat. 2615 fol. 55r-58r.)

fol. 97r-99r <**Pseudo-Bartolus rectius Angelus de Ubaldis (?), Tractatus**> **de forma**

inuentarii idest in § *Si vero* (Nov. 1.2.2) (See Vat. lat. 2289 fol. xvii^{rb}-xviii^{va} for further information.) *Variants*:

(Invocatio) Ihesus. (Rubrica *add.*) Forma inuentarii secundum dominum Angelum de Perusio in authentica de heredibus et falcidia. (Praefatio) Et in confectione talem ordinem obseruabis: in herede uniuersale litterarum perito ... (Finis) l. fi. C. de iure delibe. (Cod. 6.30.22) et omnia bene nota. (Colophon) Laus Deo amen. <Subscriptio deest.> (**Bibl.** Izbicki, 'Problems in TUI' 480.)

fol. 99r-v **Bartholomaeus de Novaria, Casus in quibus requiritur speciale mandatum**
(Rubrica) Nota casus xxxiii in quibus requiritur speciale mandatum. (Textus)
Primus casus est in aditione hereditatis ... (Finis) mandat quod habet ad lites
futuras poterit eam intentare que uerba sunt notabilissima. (Subscriptio) Bartholus
(sic) de Nouarie utriusque iuris doctor. (Bibl. Calasso, 'Bartolo', questioning the
ascription to Bartolus; M. Piccialuti, 'Bartolomeo da Novara', DBI 6.740-41.
Written in a different hand this text has been massively corrected by Johannes de
Guidonibus. He cancelled the last two lines of the original text and lengthened the
work by another twenty percent. This text is very different from that of the same
name at Vat. lat. 8069 fol. 127v-128r, q.v.)

fol. 100r **Bartolus de Saxoferrato (?), Tractatus de sequestrationibus**
(Rubrica) De sequestrationibus per Bartolum. (Textus) Quid dicatur sequester dic
ut ff. de uerborum sygnificatone l. *Sequester* (Dig. 50.16.110) ... (Finis) quod si
constat de debito et obligatione quod non potest, alioquin sic. (Subscriptio)
Bartolus de Saxoferrato. (Bibl. Feenstra, 'Bartole dans les Pays-Bas (anciens et
modernes)', *Bartolo* I 175-281 at 225, denying the authorship of Bartolus;
Calasso, 'Bartolo' 659, questioning Bartolus's authorship.)

fol. 100r <**Johannes de Guidonibus de Accumulo (?), Notationes de
sequestrationibus**> (Although typical of the notations by Johannes de
Guidonibus following tracts throughout this MS, this set is least similar in script
to his known hand.)

fol. 100v <Incertus auctor, **Nota de sequestrationibus**>
(Rubrica) De sequestris et in quibus casibus permittitur (sic). (Textus) Rey
sequestratio conceditur ut ff. qui satisdare cogantur l. *Si fideiussor*. § ultimo (Dig.
2.8.7.2) ... (Finis) ita notat Cynus in l. unica C. de prohibita sequestratione
pecunie (Cod. 4.4.un.).

fol. 100v-101r **Martinus de Fano O.P., Tractatus de sequestrationibus**
(Rubrica) De sequestrationibus et qualiter fiant. (Textus) Quid faciat iudex in
causis infrascriptis (?) ecce de consuetudine ... (Finis) argumentum contra ff. de
penis l. (sic) est iudicatum solui l. *Cum apud* (Dig. 46.7.20). (Subscriptio)
Martinus de Fano legum docto. (Bibl. Diplovatatus, *De claris iuris consultis* 119-
23.)

fol. 101v **Sinibaldus de Perusio, Tractatus de potestate arbitrorum**
(Rubrica) De potestate arbitrorum. (Textus) Super potestatem arbitrorum et per
quantum tempus est ... (Finis) et istud obtentum fuit m<u>ltotiens in ciuitate
Perusii, tene menti. (Subscriptio) Sinibaldus de Perusio legum doctor.

fol. 104r-106r **Baldus de Ubaldis, Tractatus de constituto** (See Vat. lat. 2289 fol. 99ra-
100rb for further information.) *Variants*:
(Rubrica) Tractatus constituti et constituendi per Baldum. (Textus) artis
mercatorum *pro* mercatorum seu artis mercancie; summam *pro* summulam (Finis)

non possit opponi exceptio banni ad quod facit quod notatur ff. depositi l. *Bona fide* § 1 (Dig. 16.3.31.1). (Colophon) Laus Deo amen. Baldus. (**Ed.** Cf. TUI 6.1 fol. 38rb-39ra. As in Vat. lat. 2289, this text breaks off at no. 11 in med., adding only two further words from the edition before the final list of allegations, which differs from the list in Vat. lat. 2289.).

fol. 106r-108v **Bartolus <de Saxoferrato>, Tractatus de alimentis** (See Vat. lat. 2289 fol. xi^{va}-xiii^{ra} for further information.) *Variants:*

(Rubrica) Tractus (*sic*) alimentorum per Bartolum. (Textus) Alimentorum materiam tractaturus que alimenta contingit tam ex iure ueteri ... (Subscriptio) Bartolus. (Colophon) Explicit tractatus alimentorum per Bartolum. Deo gratias. (Alternate readings added to the incipit by Johannes de Guidonibus generally conform to the readings in Vat. lat. 2289. There are massive additions and corrections to the text throughout.)

fol. 108v <**Johannes de Guidonibus de Accumulo, Nota de alimentis**>

fol. 109r-111v, 217r-226v, 233r-236r, 272r-275r, 277r-284r, 348r-349r, 410r-469r <Auctores varii, **Repetitiones**>, nominantur: Angelus de Ubaldis, Repetitio l. *Nemo carcerem* (Cod. 10.19.2) (fol. 109r-111v); Antonius de Butrio, Repetitio c. *Exivi* (Clem. 5.11.1) (fol. 272r-ZZ175r); Baldus de Ubaldis, Repetitio l. *Opera data* (Cod. 9.1.11), excerptum (fol. 348r-349r [**Ed.** Baldus, *Opera omnia* VIII fol. 202va-vb]); Bartolus de Saxoferrato, Repetitiones l. *Omnes populi* (Dig. 1.1.9) (fol. 217r-226v [**Ed.** Bartolus, *Opera omnia* X fol. 9rb-14va]), l. *Pater filium* (Dig. 5.2.14) (fol. 233r-236r [**Ed.** Ed. cit. I fol. 160va-161rb]); Johannes de Guidonibus de Accumulo (?), Repetitio § *Arbitrorum* (Dig. 17.2.76 i.m.) (fol. 277r-284r); Petrus de Ubaldis junior, Repetitio § *Papinianus* (Dig. 17.2.52.6) (fol. 410r-469r [**Ed.** TUI 6.1 fol. 133ra-173rb, the edition lacking the first two paragraphs and the table of conclusions in this copy]) (Borino (p. 133) suggests that the Repetitio § *Arbitrorum* is by Johannes de Guidonibus de Accumulo, but it is not his autograph. Modern notes identify 'Arbitrorum' as both Cod. 2.55.3 (l. *Arbitrorum*) and Dig. 17.2.6 (*sic*).)

fol. 113r-115v <**Baldus de Ubaldis**>, **Tractatus de carceribus**

(Rubrica) Tractatus de carceribus per Angelum de Perusio. (Textus) Quia legum precepta principaliter sunt inuenta ... (Finis) et est argumentum in l. *Victum* ff. de re iudicata (Dig. 42.1.34). (Colophon) Deo gratias Franciscus de Aretio. (**Ed.** TUI 11.1 fol. 200vb-201va, or Bartolus, *Opera omnia* X 154rb-155ra. **Bibl.** Izbicki, 'Problems in TUI' 481-82; Calasso, 'Bartolo' 653, questioning Bartolus's authorship; Feenstra, art. cit. 122. A 16th-century note on fol. 113r refers to the version printed in Bartolus's works. The text here matches the incipit as in TUI, attributed to Baldus. This version is longer than either of the printed texts, having more allegations. Cf. also Vat. lat 2289 fol. 103va-104vb, where the text matching the Bartolus edition is attributed to 'Pseudo-Bartolus'.)

fol. 121r-128r <Incertus auctor, **Processus Satanae contra genus humanum** sive

Tractatus procuratoris editus sub nomine diaboli>

(Invocatio) Yhesus. (Textus) Accessit Mascaron ad omnipotentis Dey presentiam et ait 'creator omnium ubique iusticia xi. q. iii. *Serui* et c. *Custodi* (C.11 q.3 c.54) ...' ... (Finis) et Yhesum benedictum, 'fructus uentris tui.' expulso diabolo nobis ostende. (Colophon) Amen. (Ed. Hain 2646 [unseen; cf. Borino 121]. **Bibl.** Feenstra, art. cit. at 209, listing this as an alternate version of Bartolus's *Tractatus* (dictus Belial) *quaestionis ventilatae*; cf. Vat. lat. 2625 fol. 174v-177v. However, this differs markedly from that text. Calasso, 'Bartolo' 658, questioning Bartolus's authorship.)

fol. 128v-132v <**Franciscus de Aptis, Tractatus de portione canonica**>, imperfectus (See Vat. lat. 8069 fol. 177v-182v for further information.) *Variants:*

(Invocatio) Yhesus Christus. <Rubrica deest.> (Textus) apostolicam *pro* apostolici (Finis) mouam super hoc decretalem condemdo nemo sane mentis ignorat (ingiorat *cod.*). (Colophon) Deo gratias Corneti scripta (**Bibl.** Izbicki, 'Problems in TUI' 488-49, where the second reference to Vat. lat. 8069 should be to this MS. This text ends at the bottom of fol. 194va of the edition.)

fol. 133r-140v **Johannes de Lignano, Tractatus de testibus**

(Rubrica) Tractatus de testibus secundum Iohannem de Lignano utriusque iuris doctorem eminentissimum. (Textus) Testes duo requiruntur ad minus in omni causa secundum ius ciuile ... (Finis) argumentum C. de manda. princi. l. ii (Cod. 1.15.2). (Colophon) Et hec sufficiant de tractatu de uarietate testium. Deo gratias amen. (**Bibl.** McCall, 'John of Legnano' at 422. Extensive additions in the margins include substantial portions of *consilia* by Franciscus Tigrini, Bartolus, Baldus, and Honofrius de Bartolinis (cf. *supra*) and lengthy notations attributed to Angelus de Ubaldis at fol. 137r and Antonius de Butrio at fol. 137v.)

fol. 141r <Incertus auctor, **Nota de consanguinitate**>

(Rubrica) Quid sit gradus. (Textus) Secundum canones due persone faciunt unum gradum ut puta duo fratres ... (Finis) unde non actinet illi qui est ultra quartum gradum.

fol. 141v-142r **Bartolus <de Saxoferrato>, Tractatus de praesumptionibus** (See Vat. lat. 2289 fol. 250ra-va for further information.) *Variants:*

(Rubrica) Tractatus presumptionum per Bartolum. (Textus) <P>resummitur contractus sine aliqua probatione in casibus istis ... (Finis) ut *add. post* indignus; etc. xx. ... etc. *om.* (Colophon) Deo gratias. Amen. Bartolus. (**Bibl.** Calasso, 'Bartolo', questioning Bartolus's authorship.)

fol. 144r-147r **Bartolus de Saxoferrato, Tractatus de <iudiciis>** (See Vat. lat. 2289 fol. xiii^{ra}-xv^{vb} for further information.) *Variants:*

(Rubrica) Tractatus de ordine iudiciorum secundum Bartholum de Saxoferrato. (Finis) et l. *Inter litigantes debitores* C. de actio. et obligatio. (Cod. 4.10 .9). (Colophon) Deo gratias amen. Bartolus. (The text ends with a different set of

allegations than the edition at Bartolus, *Opera omnia* X fol. 156ra.)

fol. 148r-151r <**Thomas de Piperata, Tractatus de fama**> (See Vat. lat. 2343 fol. 47va-48vb, etc. for further information.) *Variants:*

(Invocatio) Yhestus Christus. (Praefatio) Quoniam circa famam et indicium et presumptiones multas dubitationes in iudiciis oriri contingit ... (Textus) Fama est dignitas illesa status moribus ac legibus conprobatus ... (Colophon) Deo gratias Oddofredus (*sic*) Tho. (Compared to the edition, TUI 11.1 fol. 8va-10rb, this text combines the preface and text incipit of the text in Vat. lat. 2343 into a single opening statement. There is a note on fol. 148r, in a 16th-century hand, stating that the text is printed under the name of Thomas de Piperata.)

fol. 151r-156r <**Baldus de Ubaldis, Tractatus de syndicatu officialium** idest Repetitio l. *Observare*> (Dig. 1.16.4) (See Vat. lat. 2289 fol. 73ra-75va for further information.) *Variants:*

(Lemma) *ff. de off. proc. l. add. recent. man. ante Obseruare* (Colophon) Deo gratias. Finit. Laus Deo. (The text has been heavily annotated by Johannes de Guidonibus. A note was also added between this and the following text at the time of composition.)

fol. 155r-156r *marg.* <**Johannes de Monte Magno, Additiones ad Tractatum Baldi de syndicatu**>

(Rubrica) Questiones addite ad § *Proficisci* supra positum. (Textus) Et primo quero. Miles sotius potestatis de ipsius potestatis mandato ... (Finis) et ita sufficit sacramentum factum l. *Admonendi* de iur. iura. (Dig. 12.2.31). (**Bibl.** Izbicki, 'Problems in TUI' 482 and n. 1 See also Vat. lat. 2656 fol. 77ra-vb. The text fills the whole writing space on fol. 156r, continues outside the rulings to fill the lower margin, and then jumps back to the upper margin and continues down the right margin, ending at mid-folio. It also has numerous further notations in the margins.)

fol. 157r-159v <**Tancredus de Corneto, Summa compendiosa, excerptum De significatione dictionum et verborum**>

(Rubrica) Rubrica tractatus de dictionibus editus per Bartolum (*sic*). (Textus) Ad habendum uberiores (ergo ueriores *cod.*) doctrinam significationum (et significationem *ed.*) quorundam uerborum ... (Finis) Ad idem (Adidde *cod.*) est ff. (ff. ff. *cod.*) de uul. et pupil. l. *Verbis ciuilibus* (Dig. 28.6.7). (Colophon) Deo gratias amen. (**Ed.** as *Practica Baldi* (Lugduni 1528) fol. lxxxix^{ra}-xci^v. **Bibl.** Peruzzi, 'Angelus de Amelia' 41-42, correcting Borino 123; D. Maffei, *Giuristi medievali e falsificazioni editoriali del primo cinquecento* (Ius commune, Sonderhefte 10; Frankfurt a.M. 1979) 30(-32) n. 72; Calasso, 'Bartolo' 654. See also Vat. lat. 8068 fol. 322r-323r. A 16th-century note at fol. 157r states the work is Baldus's *Practica iudiciaria*.)

fol. 160r-v **Jacobus Butrigarius, Tractatus <de oppositione> compromissi et de eius forma** (See Vat. lat. 2660 fol. 271r for further information.) *Variants:*

(Rubrica) Que possint obici compromisso. (Textus) non *pro* nil (Finis) et commissa exigatur (Ego talis etc. *add. cod.*) Actum etc. (presentibus etc. *add. cod.*). (Colophon) Explicit tractatus de his que obici possunt compromisso et de forma ipsius editus pro Iacobo Butrigario de Bononia. Deo gratis amen. Alibi dicitur per Iohannem Andree decretorum doctorem etc. (**Ed.** TUI 3.1 fol. 206ra-rb. This MS agrees with the ending in the edition as against Vat. lat. 2660. **Bibl.** Izbicki, 'Problems in TUI' 486-87.)

fol. 160v-161r **Albertus Galeottus, <Tractatus> de rescriptis et privilegiis**

(Rubrica) De rescriptis et priuilegiis et que possint eis obici et opponi secundum Albertum Galeocti de Parma legum doctorem. (Textus) Que sit differentia inter priuilegium et rescriptum, dic priuilegium est contra legem ... (Finis) solutio sit ut notat Godfredus de priuilegiis c. Ex (sic) tuarum (X 5.33.11). (Bibl. Diplovatatus, *De claris iuris consultis* II 154-55.)

fol. 161r-162v **Albertus Galeottus, <Tractatus> de fideiussoribus**

(Rubrica) De fideiubxoribus (*sic*) et eorum natura. (Textus) Quid sit fideiubxor dic ut notat Azzo in summa ... (Finis) ff. de executio. (*sic*) rey iudica. l. *penultima* §. Latius (*sic*) quod est uerius (Dig. 44.2.30.1). (Subscriptio) Albertus Galeocti de Parma. (**Bibl.** K. Nörr, 'Die Literatur zum gemeinen Zivilprozess' in Coing, *Handbuch* I 383-99. As noted in the margins, this and the preceding tract are parts of the author's *Margarita*.)

fol. 162v **Bartolus de Saxoferrato, Lectura in primam Codicis partem**, excerptum

(Cod. 1.2.7)

(Textus) Vtrum tenentur ecclesie conferre ad faciendos muros ciuitatis ... (Finis) Vnde ecclesia non debet soluere nisi predia essent tributaria, ut dixi supra l. *Placet* (Cod. 1.2.5). (Colophon) Hoc est dictum Bar. in l. *Ad instructiones* C. de sac. sanc. eccle. et de rebus et priuilegiis earum. (**Ed.** Bartolus, *Opera omnia* VII fol. 13ra-rb.)

fol. 164r-167v **Dinus de Mugello, Tractatus de successionibus ab intestato** (See Vat. lat. 2638 fol. i^{ra}-iii^{ra} for further. information.) *Variants:*

(Rubrica *add.*) Tractatus successionum ab intestato per Dynum. (Finis) prefata authentica aperte notatur *pro* predictis aperte cauetur (Colophon) Deo gratias amen. Dynus de Mugello legum doctor.

fol. 167v-168r **Franciscus de Perusio, Additiones ad Tractatum <Dyni de successionibus ab intestato>**

(Rubrica) Additiones ad predictum tractatum. (Textus) Nota quod filii fratrum coniuncti ex utroque latere succedunt ... (Finis) per Baldum in iii^o libro consiliorum consilio quarto ut supra eodem in xii^o notabili. (Subscriptio) Franciscus Bar [?] de Perusia legum doctor. (**Ed.** 'Hec sunt cum tractatu impresse' appears in a 16th-century hand on fol. 167v: however, it is not printed in TUI, *Tractatus tractatum*, or with the copy of the tract in Bartolus, *Opera omnia* X fol. 156vb-158va.)

fol. 169v-172r **Jacobus de Arena, Tractatus de commissariis**

(Rubrica) Tractatus commissariorum per dominum Iacobum de Arena. (Textus) Quia commissariorum frequens et utilis est tractatus idcircho (ideo *ed.*) de his (est *add. ed.*) hoc ordine tractare intendo (procedendum *pro* tractare intendo *ed.*) ... (Finis) Et determinauit expresse hoc per l. Si legauero (?) de fideycommis. liberta. §. ita (?) duobus (Dig. 40.5.22.1) et concordat cum eodem Dyni. (Subscriptio) Iacobus de Arena. (**Ed.** TUI 8.1 fol. 195ra-196rb, with the last seven lines of this MS varying from the end of the edition. There is an additional two-line note by Johannes de Guidonibus after the subscription.)

fol. 172v-174r <**Bartolus de Saxoferrato (?)**>, **Tractatus de consiliis habendis**

(Rubrica) Tractatus circha practicam habendorum consiliorum per Baldum (*sic*). (Textus) Sepenumero de facto solent occurrere questiones circha practicam habendorum consiliorum per officiales in assessoria (Sepenumero ... questiones *om. ed.*) ... (Finis) ut (*om. ed.*) C. de inofficio. testa. l. Eum (Cum *ed. male*) qui (Cod. 3.28.14). Sed certe nec ibi dicitur (quod *add. cod.*) utraque uia agi possit (posse *ed.*). (Colophon) Deo gratias amen. Explicit tractatus circa practicam consiliorum habendorum. (**Ed.** TUI 3.1 fol. 330va-331va. **Bibl.** Ascheri, 'Consilium Sapientis' 575-79, arguing against Bartolus's authorship.)

fol. 174r-v <**Johannes de Guidonibus de Accumulo, Notationes de consiliis**>

fol. 178r <**Johannes de Guidonibus de Accumulo, Notationes de sententiis latis**>

fol. 185v-186r **Bartolus <de Saxoferrato, Tractatus de bannitis>** (See Vat. lat. 2289 fol. 91rb-vb for further information) *Variants*:

(Rubrica) Tractatus exbannitorum per Bartolum. (Textus) aliquem *om.* (Colophon) Deo gratias. Circha materiam istorum exbannitorum uide precedentem disputationem Bartoli que incipit Statuto Lucane ciuitatis etc. (Cf. Bartolus, *Quaestio* I, fol. 181r-185r *supra*.)

fol. 188v-191v **Johannes Andreae, <Summa> de sponsalibus et de matrimonio** (See Vat. lat. 1452 fol. 157ra-159ra for further information.) *Variants*:

(Rubrica) Incipit tractatus de sponsalibus et matrimoniis editus per Iohannem Andree. (Praefatio) nomine inuocato *pro* nomen inuocans (Textus) igitur uideamus *pro* igitur primo uideamus; que *pro* quid (Finis) non ad propositum, unde uide per te. (Colophon) Deo gratias.

fol. 191v <**Johannes de Guidonibus de Accumulo, Notationes de probationibus**>

fol. 192r-196r *marg.* **Bartolus <de Saxoferrato, Tractatus de tyrannia>** (See Vat. lat. 2289 fol. 87vb-91rb for further information.) *Variants*:

(Rubrica) Tractatus de tiramnide (*sic*) secundum Bartolum. (*add. in marg.*) Tractatus de tiramnide. (Invocatio) Nunc Christi nomine inuocato eiusque matris uirginis gloriose necnon beate Catarine uirginis et martiris et totius celestis curie

triumphantis amen. (Praefatio *add.*) Quia iam dudum in multis tractatibus laboraui dulcissimas materias pertractando ... (Textus) tiramnus *pro* tyrannus; Respondeo *praem. ante* a 'tyro' (Finis) dixi supra in tertia principali questione *pro* supra dixi (Subscriptio) Et hec ad modo de materia tyrannorum dicta sufficiant. Deo gratias amen. Bartolus. (Ed. Quaglioni, *Politica e diritto* 171-213, using this MS (siglum Vd), and editing the marginalia at 239-40; on the preface, see D. Quaglioni, 'Intorno al testo del 'Tractatus de tyrannia' di Bartolo da Sassoferrato', *Il pensiero politico* 10 (1977) 268-84 at 270-72. The invocation and preface have been added in the margin. The ending has been changed, with the lengthened text added in the margin.)

fol. 196r-197r **Baldus <de Ubaldis, Lectura in Codicem** (Lib. 1), excerptum> (Cod. 1.3.26)

(Rubrica) Circha materiam uide que notat dominus Baldus de Perusio super l. *Decernimus* De episcopis et cleri. (Cod. 1.3.26) ubi sic inquit. (Textus) Bartolus fecit de hoc quendam tractatum ualde uerbosum Sed ego breuiter loquor ... (Finis) uide per Cynum in l. i. C. unde ui (Cod. 8.4.1) et latius ibi dixi in xi^a questione. (Subscriptio) Baldus de Perusio. (Bibl. Quaglioni, art. cit. 274 and n. 26. Not printed in Baldus, *Opera omnia*.)

fol. 197r-200r **Bartolus <de Saxoferrato>, Tractatus de duobus fratribus** (See Vat. lat. 2289 fol. 93ra-95ra for further information.) *Variants:*

(Rubrica) Tractatus de duobus fratribus secundum dominum Bartolum incipit. (Textus) Hic tractatus de duobus fratribus insimul habitantibus in duas partes principales diuiditur ... (Finis) dicta *om.* (Colophon) Explicit tractatus de duobus fratribus secundum Bartolum quem morte preuentus non compleuit. Idcirco uide complementum domini Baldi, quod fecit super hoc tractatu (*al. man.*) infra ad cartam 319. (A note referencing fol. 319 also appears on fol. 197r.)

fol. 200r-201r **Matthaeus de Mathesillanis, Tractatus <de electione opinionum>** (See Vat. lat. 2594 fol. 271ra-272ra for further information.) *Variants:*

<Invocatio deest.> (Rubrica) Tractatus quando sunt uarie opyniones que opynio sit tenenda editus per dominum Macteum de Mactasilanis Bononiensem in Castro Centi Bononie uigente peste rogatu quorundam scolarium ibidem existentium. (Textus) doctores uel glosatores *pro* hoc glosatores (Finis) actus *pro* altus et.

fol. 201v-202r **Johannes de Guidonibus de Accumulo, Summula <de effectibus excommunicationum>**

(Praefatio) Deuictus instantia aliquorum ego Iohannes de Guidonibus de Accumulo decretorum doctor hanc summulam breuem compilauit ... (Textus) Et est sciendum quod excommunicatus minoris ecclesie non potest impetrare rescriptum ... (Finis) Et a pluribus aliis repellitur. Ex eo tamen ista ad presens est sufficiant.

fol. 203r-206v **Baldus <de Ubaldis>, Tractatus de tabellionibus** (See Vat. lat. 2289 fol. 75va-78rb for further information.) *Variants:*

(Rubrica) Tractatus de tabellionibus. (Textus) Tractaturi *pro* Tractaturus (Finis) possunt *pro* potest (Colophon) Deo gratias amen. Explicit tractatus de tabellionibus secundum dominum Baldum de Perusio. (**Bibl.** Izbicki, 'Problems in TUI' 483.)

fol. 203r *marg.*-203v *marg.* <Incertus auctor, **Additiones ad Tractatum Baldi de tabellionibus**>
(Textus) Adde ad predictum tractatum aliquas questiones. Et primo quero quidam tabellio relinquit ... (Finis) Non est credendum ei nunc predicta in authenticis de fide instru. § Si uero instrumentum (Formed of five short *quaestiones*, the fourth of which (fol. 203r *marg. inf.*) is signed Jacobus de Arena.)

fol. 206v <**Johannes de Guidonibus de Accumulo, Notationes de instrumentis**>

fol. 207r-212v **Angelus de Periglis, Tractatus de societatibus** (See Vat. lat. 2289 fol. 271ra-273vb for further information.) *Variants*:
<Rubrica deest.> (Textus) Circha primum quesitum uidelicet quando sotietas contrahitur ... (Subscriptio) etiam *om.*, Angelus Iohannis Pirigli Perusinus, etc. *pro* Deo gratias.

fol. 213r-216v **Guillelmus <Giberti de Usmole, Tractatus de restitutione dotis>**
(Rubrica) Tractatus de iure dotium compositus per dominum Guilgielmum de Vsmole famosum doctorem. (Textus) De (Ex *ed.*) quibusdam utilissimis questionibus que sepae in iudiciis uentillantur ... (Finis) de pacto patris ff. de solut. l. Qui hominem §. <Si> gener. (Dig., 46.3.34.6). (Subscriptio) Et hec dicta sufficiant. (**Ed.** TUI 9 fol. 472va-474ra, where this tract is attributed to Odofredus. **Bibl.** Izbicki, 'Problems in TUI' 491, arguing against Ziletti's attribution to Odofredus and in favor of Guillelmus.

fol. 236r <**Johannes de Guidonibus de Accumulo, Nota de poenis**>

fol. 270r-271v <**Johannes de Guidonibus de Accumulo (?), Puncta in examinationibus**>

(Rubrica) Puncta cum gradum assumsi. (Praefatio) Constitutus in presentia eximii utriusque iuris doctoris domini Contis domini Sacci de Perusio ... Cetera piis dominationibus uestris iudicanda reliquens. (Textus) Venio igitur ad primum uidelicet ad rubricam codicis ... (Finis) expeditus de omnibus punctis mihi per dominationes uestras assignatis. (Subscriptio) Expeditus igitur de punctis meis nunc me subicio uestro pio ac rigoroso examini, cetera uestris piis dominationibus iudicanda relinquens et me eiusdem humiliter recommittens. (On the authorship, see Borino 132.)

fol. 276v <**Johannes de Guidonibus de Accumulo (?), Notationes legales ex operibus Angeli de Ubaldis**>

fol. 296v **Baldus <de Ubaldis, Lectura in Digestum novum, excerptum>** (Dig.

47.8.4.12)

ZZ Docere: Iste § est l. *Pretor* ff. ui bonorum raptorum Et istum § allegam ... (Finis) uide quia disputauit. Nicolaus de Mactarellis. (Subscriptio) Baldus. (Not printed in Baldus, *Opera omnia*.)

fol. 304v-305r **Bartolus de Saxoferrato, Tractatus de <bannitis>** (See Vat. lat. 2289 fol. 91rb-vb *et supra* fol. 185v-186r for further information.) *Variants*:

(Textus) queritur *pro* quero (Colophon) Deo gratias amen. Explicit tractatus breuissimus de exbannitis compilatus per dominum Bartholum de Saxoferrato. (**Bibl.** Calasso, 'Bartolo' 655, noting two copies of this tract in this MS, cf. fol. 185v-186r.)

fol. 316v-317v <Incertus auctor, **Tractatus**> **de appellationibus**

(Rubrica) De appellationibus. (Textus) Appellans a sententia debet ystrumentum sententie coram iudice ad quem producere ... (Finis) Et nota quod loco apostolorum succedunt episcopi dy. lxviii c. *Quamuis* (*rectius* Quorum = D.68 c.6).

fol. 319r-324v **Baldus <de Ubaldis>, Additio ad Tractatum Bartoli de duobus fratribus**

(Rubrica) Incipit tractatus Baldi de duobus fratribus perficientis tractatum Bartoli predictum in Dey nomine amen. (Praefatio) Quia superior tractatus de duobus fratribus non fuit per Bartolum completus ... (Textus) Primo (Et primo *ed.*) queritur pater emit libros filio studenti ... (Finis) l. *Ex duobus* in prin. Deo gratias. Bal. Item expense facte in aliquo tempore diuisionis non extrahuntur ut l. *Ex duobus* ff. de neg. ges. (Dig. 3.5.26) et ibi textus. (Colophon) Explicit tractatus de duobus fratribus simul habitantibus inceptus per Bartolum et perfectus per Baldum. Deo gratias. (*al.man.*) Tractatus Bartoli super ista materia uide supra ad *cartas* 197. (**Ed.** Bartolus, *Opera omnia* X fol. 115rb-117rb. Cf. Vat. lat. 2289 fol. 95ra-97rb. This version adds the prefatory remark and one sentence after the subscription.)

fol. 324v <**Johannes de Guidonibus de Accumulo** (?), **Nota de duobus fratribus**>

fol. 325r-v <**Jacobus Balduini, Summula sive**> **Tractatus de fratribus insimul habitantibus** (See Vat. lat. 2618 fol. 99v-100r for further information.) *Variants*:

(Rubrica) Tractatus de duobus fratribus simul habitantibus post mortem patris. (Textus) Satis fuit hactenus dubitatum et multe questiones ... (Finis) et C. eodem *pro* infra de dona. (Colophon) Et hoc secundum Iacobum de Arena. De hac materia uide in speculo de *iud.* §. *Sequitur* uer. ut circha. De aliis ad hanc materiam facientibus in eo. per Bar. in tractatu de duobus fratribus per totum. Iaco. de Are. (**Ed.** A. Romano, 'La *Summula de fratribus insimul habitantibus* di Iacopo Baldovini', RSDI 48 (1975) 123-70 at 166-70, using this MS (siglum V¹) and discussing this MS at 139-40 and nn. 50-51 and 164-65.)

fol. 326r-329v **Bartolus <de Saxoferrato>, Tractatus de insignis et armis** (See Vat. lat.

- 2289 fol. xv^{rb}-xvii^{rb} for further information.) *Variants*:
(Rubrica) signa *pro* signum, humilis *om.*; in sillice uel marmore sculpire uel pingere in rubro et in nigro. (Colophon) Deo gratias amen. Explicit tractatus de insignis et armis editus per dominum Bartolum.
- fol. 330r-341r **Bartolus de Saxoferrato (?), Tractatus de represaliis** (See Vat. lat. 2244 fol. 106ra-114vb for further information.) *Variants*:
(Rubrica) neque *pro* nec *bis* (Textus) queremus *pro* querimus (Finis) possit *pro* potest; etc. *om.* (Subscriptio *add.*) Bartolus de Saxoferrato. (Colophon) Deo gratias amen.
- fol. 341r-v <Odofredus (?)>, **Tractatus de dote** (See Vat. lat. 2656 fol. 60va-vb for further information.) *Variants*:
(Rubrica) *pro pro* de; et quando non per Iacobum de Arena *pro* etc. (Finis) ut l. ii. de dote preallegata (Dig. 33.4.2) cum quibusdam ibi solutis. (Subscriptio) Iacobus de Arena. (Colophon) Deo gratias amen. (**Bibl.** Izbicki, 'Problems in TUI' 491.)
- fol. 349v **Johannes Andreae, <Tractatus de clericis habentibus privilegium clericale>** (See Vat. lat. 1387 Iv for further information.) *Variants*:
(Rubrica) Quedam summula de clericis delinquentibus et habitum dimictentibus, an perdant beneficium clericale. (Finis) Idem tenet Innocentius extra de apostat. c. 1 (X 5.9.1) et dic ut ibi eum pernotatur. (Colophon) Iohannes Andree Iohannes Andree. (This copy has an explicit very similar to the copy in Vat. lat. 2660 fol. 270v-271r.)
- fol. 351r-357v <Incertus auctor, **Johanni de Deo** attributa saepissime, **Abbreviatio Decreti**> (See Vat. lat. 7667 fol. 200va-203ra for further information.) *Variants*:
(Invocatio) Christus. (Rubrica) Decretorum abbreviatio in qua sub breuibz uerbis continentur omnes distinctiones et cause et earum questiones et solutiones prout Gratianus in ipsis regulariter terminauit. (Textus) igitur *add. post* Liber. (Finis) liber iste *om.* (Colophon) Amen. Laus Deo amen.
- fol. 357v-359v <**Tabula legum Codicis et Digesti quae sunt in Decreto**>
(Rubrica) Leges codicis que sunt in decreto. Causa prima. (Textus) C. que sit longa consuetu. l. i. (Cod. 8.52.1) xii. distinctio Consuetudo (D.12 c.7) ... (Finis) Institutiones de iure naturali §. *Diuturni (sic)* (Inst. 1.2.9) xxii. distinctio *Diuturni* (D.12 c.6). (Colophon) Laus Deo et uirgini Marie amen.
- fol. 360r-361r **Regulae iuris in Libro Sexto cum concordantiis iuris civilis**
(Rubrica) Bonifatius octauus. (Textus) Beneficium ecclesiasticum non potest licite sine institutione canonica obtineri de dona. inter uir. et uxo. l. ZZ *Exercituo* (Dig. 24. 1.?) ... (Finis) Certum est quod is comitetur in legem qui legis uerba complens contra legis nititur uoluntatem (Sext. 5.13.88), De donatio. inter uir. et uxo. l. iii (Dig. 24.1.3). (Colophon) Finiunt regule iuris in vi^o cum concordantiis iuris ciuilibz. (Each *regula* is followed by a single citation to the Digest.)

fol. 361r-v <**Tabula de regulis Iuris aliis**>

(Textus) Innocentius in c. Cum (sic) olim de resti. spo. (X 2.13.12?) dicit quod si quis spoliavit ... (Finis) et in authentico de trien. et semis. §. Consideremus collatio. iii. (Nov. 18.5). (Colophon) In libraria seu biblioteca alme domus sapientie uetus Perusine in usibus pseudorum in titulo de statutis et consuetudinibus contra libertatem ecclesie inductis (Const. Fred. II tit. un.) et in fine ipsius compilationis est eorum confirmatio que incipit Nos Honorius episcopus et etc. Et Innocentius in c. Ex parte de foro competen. (X 2.2.15) dicit esset recepta ab ecclesia.

fol. 363r-370v <**Petrus Ilerdensis, Breviarium iuris canonici**> (See Vat. lat. 2540 fol. 104ra-107va for further information.) *Variants:*

<Rubricae praefationis et textus desunt.> (Finis) committere reconciliationem ecclesie tractatur extra de consecratione ecclesie (uel altaris c. *add. cod.*) Aqua (X 3.40.9). (Colophon) Deo gratias amen. (The text lacks the last four sentences of the edition.)

fol. 469v-471v <**Johannes de Guidonibus de Accumulo** (?), **Repertorium ad quaestiones varias de duobus fratribus**>

(Textus) Cuicciarellus et Venantius fratres et filii quondam Iohannis simul habitauerunt ... (Finis) Item nota quod non debet fieri diuisio cuiuslibet rei ne patrimonium dissipetur C. qa. et quibus quar. pars de l. meminimus li° x° (Cod. 10.35.2) et ibi per Bar. (The citations are usually to Bartolus or Baldus.)

fol. 471v-474r <**Quare et notationes de materiis iuris civilis**>

(Textus) Sed quero an currat tempus probare ... (Finis) ut probatur de damno infec. l. Si quis missus § fi. (Dig. 39.2.17.4) ubi glossa singulariter distinguit et bene. ('Per Franciscum Tigrini' appears at fol. 472v.)

fol. 474r-480r <**Cinus de Pistorio et alii, Glossae contrariae iuris civilis**> (See Vat. lat. 2683 fol. 109vb-114ra for further information.) *Variants:*

(Rubrica) Incipiunt glosse singulares et discordantes super C., ff. ueteri, ff. nouo, infortiato reducte per dominum Bar. Et super C. (Textus) quid *pro* quis (Finis) per Cynum in l. Edict. (Cod. 2.1.3) et est casus extra de transac. c. Preterea (X 1.36.10). (Subscriptio) Bartolus. (Colophon) Expliciunt glose singulares et discordantes composite per dominum Bartholum in concordantiam. Deo gratias (**Bibl. M. Bellomo, 'Glossae contrariae di Cino da Pistoia', Tijdschrift voor Rechtsgeschiedenis** 38 (1970) 433-47 passim; Feenstra, art. cit. 226; B. Paradisi, 'Le glosse di Bartolo da Sassoferrato', *La critica del testo. Atti del II Congresso internazionale della Società Italiana di Storia del diritto*, 2 vols. (Firenze 1971) II 575-618 at 607-09, printing part of the text from this MS.)

fol. 480r-482r **Raynerius de Forlivio, Tractatus de multis et quotidianis quaestionibus**

(Invocatio) In Dei nomine amen. (Rubrica) Tractatus de multis et quotidianis questionibus editus per dominum Raynerium de Forliuio. (Textus) Quero an

coram arbitro habeat locum reconuentio. Respondeo non ... (Finis) ut non teneatur contractu. Nota glossam in l. i. C. de prescriptione longi temporis (Cod. 7.33.1). (The text is composed solely of short questions followed by one or more allegations.)

fol. 483r-v **Petrus Elias, Tractatus de feudis**

(Rubrica) Incipit tractatus feudorum secundum dominum Petrum Helye. (Textus) Habemus contractum uassallicum seu feudalem. Est de natura eius domini ... (Finis) et ff. de postula. l. *Quos prohibet* (Dig. 3.1.7) etc. (Colophon) Petrus. Deo gratias etc.

fol. 484r-v <Incertus auctor, **Tractatus de deludendis argumentis**>

(Rubrica) Hec est uia quedam per quam possunt omnia argumenta deludi. (Textus) Pone ergo quod compromissum est factum in aliquem sine ratione ... (Finis) non est caluperniandum (*sic*) nec eius uerba captanda ff. ad exi. l. penultima (Dig. 10.4.19). (Colophon) Deo gratias. Finis est.

fol. 484v-488r **Galvanus <de Bettino de Bononia, Tractatus de differentiis legum et canonum>**

(Rubrica) Incipit tractatus de differentiis seu discordiis inter canonistas et legistas per dominum Galuanum de Bononia. (Praefatio) Differentia inter legistas et canonistas ques ellegi tempore mee repetitionis canonis *Non ita* ii. q. vi. (C.2 q.6 c.18) breuiter adiunge ... (Rubrica) Prima ar. (Textus) Secundum canones ante sententiam potest appellari ... (Finis) pro no. de iure iuran. c. fi. (X 2.24.36) super glossam iiii. ad finem §. etc. (Colophon) Finis est. Deo gratias. (**Ed.** TUI 1 fol. 189r-190rb. The MS adds the preface as well as eight lines to the 98th difference, while lacking the closing statements. The MS and edition last agree at the bottom of fol. 190ra of the edition. **Bibl.** Schulte, *Geschichte* II 287-88; Izbicki, 'Problems in TUI' 485-86.)

fol. 488v **Martinus de Fano O.P., <Tractatus de excussione bonorum>**

(Textus) Quia circha excussionem sepe consueuerunt dubitationes oriri, idcirco super ea et de ea ... (Finis) ut C. de bo. auto. iudi. *pos.* authentica *Et qui iurat* (Auth. post Cod. 7.72.9). (Subscriptio) Martinus de Fano. (**Bibl.** Kaeppli, *Scriptores* III 109 no. 2946.)

fol. 489r-490v **Jacobus de Arena, Tractatus de excussionibus <pignorum>** (See Vat. lat. 2289 fol. 92ra-vb for further information.) *Variants:*

(Invocatio) Yhesus. (Rubrica *add.*) Incipit tractatus de excussionibus per Iacobum de Arena. (Colophon) Deo gratias. Explicit tractatus de excussione bonorum editus per dominum Iacobum de Arena. (**Bibl.** Izbicki, 'Problems in TUI' 483-84.)

fol. 489r *marg.* <Incertus auctor, **Additio ad Tractatum Jacobi de excussionibus pignorum**>

(Textus) Adde quod non requiritur excussio uidelicet quando agitur ... (Finis) et uide per modernos in l. *Decem* ff. de uerbo. ob. (Dig. 45.1.116).

fol. 491r-496r **Dinus <de Mugello>, Tractatus de praescriptionibus** (See Vat. lat. 2638 fol. vii^{ra}-ix^{va} for further information.) *Variants:*

(Rubrica) Tractatus de prescriptionibus per Dynum. (Textus) Hora dies mensis uarie prescribitur annus. Prescriptio xx^{ti} horarum currit marito ... (Finis) constitutione *pro usibus*; solercia etc. *pro solerciam* (Subscriptio) Dinus. <Colophon deest.> (**Bibl.** Izbicki, 'Problems in TUI' 485.)

fol. 496v **Johannes Andreae, Additiones ad Speculum <Guillelmi Duranti, excerptum>**

(Rubrica) An uulnerans seipsum puniatur pena statuti uulnerantis aliquem. Additio Iohannis Andree (*al. man.*) super Speculo. (Textus) An uulnerans seipsum puniatur pena statuti pecuniaria que infligi iubet (infligitur cod.) et ... (Finis) de aduocatorum matricula abradi (radi ed.) et ab ipso officio remoueri (remeueri ed.). (Colophon) Iohannes Andree in ultima additione super Speculo. (**Ed.** Guillelmus Duranti, *Speculi pars prima [-quarta]*, 3 vols. (Lugduni 1543) III fol. 370va-vb; the MS is slightly shorter.)

fol. 501r-v **Johannes de Guidonibus <de Accumulo (?)>, Privilegia mulieris in dote**
(Rubrica) Priuilegia que mulier habet in dote. (Textus) Primum priuilegium dotis est quia mater heretica tenetur filiam orthodoxam dotare ... (Finis) 39^m est in authentica *Idem priuilegium* C. de hereticis (Auth. post Cod. 1.5.1). (Subscriptio *al. man.*) Iohannes Guidonis. (*add. man. recent.*) cf. f. 284 f. 505v.

fol. 502r-503r **Laurentius de Palazzolis, Privilegia fiscalia**

(Rubrica) Hic incipiunt priuilegia fiscalia extracta de corpore iuris per dominum Laurentium de Palazolis iuris utriusque doctorem et sunt numero 46. (Textus) Primum priuilegium est quia debitor fisci non ita appellat a sententia lata contra eum ... (Finis) quod sibi debetur ut notatur in l. *Si minori* C. de Iure fis. libro x^o. (Cod. 10.1.3). (Colophon) Expliciunt priuilegia fischalia in unum collecta per dominum Laurentium de Palazolis utriusque iuris doctorem in ciuitate Padue que sparsim erant per totum corpus iuris. (**Bibl.** Diplovatatus, *De claris iuris consultiis* II 385; Belloni, *Professori* 273. Although the opening rubric lists 46 privileges, the text has only 45.)

fol. 504r-505v <Incertus auctor, **Materia de probationibus**>

(Rubrica) Nota xl. casus in quibus non defertur iuramentum in defectum semiplene probationis secundum Ludouicum Pontanum et dominum Lanfranchum de Brissia in l. *Admonendi* (Dig. 12.2.31) quam legem dictus dominus Lanfrancus Padue repetiit dum ibi ordinariam chactedram regeret. (Textus) Testis non reddens rationem sui dicti etiam non interrogatus non facit locum ... (Finis) secundum ipsum ibidem dictum testis non dum publicatum non semiplene probat. [**Bibl.** Belloni, *Professori* 264-266.] There are only 38 casus in the list, which is followed by three short notes on the same subiect.)

fol. 506r-511r **Antonius <de Benciolis> de Canario, Tractatus de revocatione**

interlocutoriae sententiae

(Praefatio) Materiam reuocationis interlocutorie in iuditiis multotiens occurrentem colligam per quinque principales questiones ... (Textus) Prima questio habet quatuor oppyniones, prima fuit Azzonis ... (Finis) ut plene scripssit Iohannes Andree in dicto c. *Si a iudice* in glossa super uerbo teneris de appellationibus libro VI° (Sext. 2.15.10). (Epilogus) Expeditus sit tractatellus de reuocatione interlocutorie editus per me Antonium de Cannario ... eiusque gloriosissime matris semper uirginis Mariae totiusque celestis curie triumphantis. (Colophon) Amen. Quem scripssi ego Iohannes de Guidonibus de Accumulo legum doctor et compleui die ultimo mensis iunii in ciuitate Perusii circa tertiam horam noctis dum pro iure dicendo primum locum tenebam cum domino Nicolao de Seuerinis de Senis milite et doctore potestate dicte ciuitatis et fuit secunda uice qua ego fui primus collateralis in dicta ciuitate. (**Bibl. R. Abbondanza, 'Antonio de Cannara'.** DBI ZZ 3.542-43.)

fol. 511r **Raphael de Fulgosiis, <Commentaria> in Codicem**, excerptum (Cod. 1.1.1 v. *Clementia*)

(Rubrica) Verba Raphaelis Fulgosii in l. *Cunctos populos* C. de summa trinitate super uerbo clementia. (Textus) In textu ibi *clementie*. Reperio scriptum hic apud Albertum quod clementia ... (Finis). Apes habeant designantem regem debere esse plenum clementia hoc ille. (**Bibl. Belloni, Professori 310.**)

fol. 511v-513r **Hungarus Hugolini de Firmo, Tractatus <de computatione dierum in termino>** (See Vat. lat. 2656 fol. 94vb-95va for further information.) *Variants:*

(Rubrica) An dies termini computetur in termino. (Subscriptio) Iacobus Butrigarius. Hungarus de Firmo. (Colophon) Explicit tractatus an dies termini computetur in termino editus a domino Ungharo Ugolini de Firmo legum doctore.

fol. 513r-v **Baldus de Ubaldis (?), <Tractatus> de dictionibus**

(Rubrica) Incipit additio super titulo de dictionibus per Baldum de Ubaldis de Perusio. (Textus) Dictio ubi includit probationem ut C. (*sic*) de actio. et obli. l. Actionem (Dig. 44.7.7?) ... (Finis) in l. Illud C. de sac. sanc. eccle. (Cod. 1.2.19). (Subscriptio) Baldus.

fol. 513v-514r <Incertus auctor, **Additiones ad Tractatum Baldi de dictionibus**>

(Textus) Dictio ibi Dictio super Dictio cum. Quid significant uide in c. Littere in principio de resti. spoliato. (X 2.13.13) per Angelum de Castro ... (Finis) De omnibus istis uide in c. Si diligenti de foro competen. (X 2.2.12) per Angelum de Castro. (Bartolus, Bartholomaeus Cepolla, Paulus de Castro, and Iohannes de Prato are also cited.)

fol. 514r **Bartolus de Saxoferrato (?), Tractatus de copula er coniunctionibus**

(Rubrica) Tractatus de coppula per Bartolum. (Textus) Coppula et coniunctio tria operantur, reperunt coniungunt ... (Finis) ut l. *Coniunctionem* ff. de uerbo. sy. (Dig. 50.16.29) er l. In (Que cod.) *usu* eodem titulo (Dig. 50.16.158). (Subscriptio) Bartholus de Saxoferrato. (Colophon) Finit tractatus Bartoli de

coppula et coniunctione. (**Ed.** Bartolus, *Opera omnia* X fol. 132rb, but with many variants. **Bibl.** Calasso, 'Bartolo' 654, questioning Bartolus's authorship; Feenstra, art. cit. 209-10, on the various versions of this text.)

fol. 514v **Martinus de Fano O.P., Tractatus <de accusationibus>**

(Rubrica) Tractatus Martini de Fano in quo differunt accusatio, denunciatio, delatio, et inquisitio. (Textus) Quero de iure ciuili in quo differunt accustio, denunciatio, delatio, inquisitio ... (Finis) non obstante inquisitione facta notatur ff. de accusatio. l. *Si cui* (Dig. 48.2.7). (Subscriptio) Martinus de Fano. (Colophon) Et sic finit dictus tractatus. (**Bibl.** Kaeppli, *Scriptores* III 112 n. 2963.)

Cat. Borino I 114-48; Dolezalek, *Verzeichnis* 2. **Bibl.** Sella, 'Nuove sigle' passim; idem, *Sigle* 10, 17, and 21; Calasso, 'Bartolo'; Quagliani, *Politica e diritto* 87-88, with a plate of fol. 192r after p. 128.

Most of the MS is written in dark brown ink in a good humanist cursive by Johannes de Guidonibus de Accumulo (Johannes Accumulensis); cf. fol. 85v, 511r, and the colophon at fol. 57v printed in Borino, 148. In addition to the thematic legal notes listed above, legal notes by Johannes, but not directly related to preceding works, appear on fol. 101r-v, 101v, 111v, 245r, 254r, and 297v. Portions of the MS not written by Johannes are usually heavily annotated by him, as noted above. He often added other words in the space left blank by the original scribe. In addition to the numerous additions, corrections, and notations of Johannes, there are some marginal corrections, notations, and additions in several later hands. Of particular interest are the annotations in a single 16th- or 17th-century hand noting that a work has been printed and possible alternative authors, cf. fol. 29r and 113r. Fol. 1r opens with a red capital with penwork decoration. Red rubrics and paragraph marks appear on fol. 1-2r, however, the MS is generally undecorated with many opening capitals lacking. Fol. 128r has a note on the 'sacramentum iudeorum' followed by a second note 'Vide per *Spec.* in titulo de iuramento calupnie restat uidere ...', then a passage in Hebrew with the modern note 'Exod. xx,7.' Vestiges of seals remain at fol. 257-60 and 297. The first eleven folios have both Roman and Arabic numbers; the former are followed here to avoid confusion with the following Arabic numbered folios. The folio numeration skips from 435 to 446 without a lacuna. Catchwords, when they appear, are centered. Fol. 109-11 suffer from acid ink corrosion; fol. 293-296 have water damage. For the watermarks, cf. Briquet nos. 7835, 8349, 2401, and 11702. The MS has a modern quarter-leather non-Vatican binding with the title 'Consultationes Baldi et Bartoli manoscritto' on the spine.

Vat. lat. 10792	saec. XIIIex.-XIVin.
------------------------	-----------------------------

Prov. Paolo Scapaticci, scriptor of the Biblioteca Vaticana.

<I> +158 ZZ fols. memb. 360 (257) x 272 (198) mm, origin France. Quaterniones, saec. XIIIex.-XIVin.

ZZ fol. 1-158 **Ricardus de Pofis, <Summa dictaminis secundum stilum Romanae Curiae>**, imperfecta

(Praefatio) Nouiciorum studia ianuam sibi cupientium aperiri dictatorie facultatis ... ex hiis prouenire contingerit nomen altissimi deuotis laudibus extollatur.

(Colophon) Explicit ars dictaminis. Incipiunt capitula siue rubrice facte per Richardum de Pophys ad subsequencia dictamina et primo de amiciciis compassionibus et increpationibus amicabilibus. (pag. 2-9) <Tabula rubricarum> ... (pag. 9) (Rubrica) De amicitiis compassionibus et increpationibus amicabilibus

amicus amicum redarguit et inducit (eum *add. cod.*) ut ad curiam reuertatur.
 (Textus) Archidiacono Spoletano. Quid et qualiter homini rerum temporalium
 adype non sublimis apice dignitatis in alterum mutato ... (Epistola ultima) Exultat
 terra gaudiis letamur et illud nec mirum in canticum apostolice iubilationis
 (catchword: Adicitur) ///

Cat. Borino I 262-64. **Bibl.** E. Batzer, 'Zur Kenntnis der Formulare Sammlung des Richard von Pofi', *Heidelberger Abhandlungen zur mittleren und neueren Geschichte* 28 (1910) 1-149, but not mentioning this MS.

The text breaks off in the midst of Batzer's letter 455 (cf. p. 89). The loss of a folio between pag. 112 and 113 has caused a further loss of text, the lacuna encompassing Epp. 314 in fin. -322 in prin. Many of the letters have been given Batzer's numbers in the margin, e.g. pag. 9. 'Batzer n. I'. The numeration is continuous beginning at pag. 96 ep. 257.

The main text is written by several scribes in dark brown ink in variations of French bâtarde script. Pags. 1 and 9 each have a large red and blue capital with elaborate penwork decoration. The capitals beginning each letter are red with violet or blue with red penwork decoration. Those beginning a new section are more elaborate. The paragraph marks in the table of rubrics alternate red and blue. The rubrics, in red, were added by a different hand, often there is an earlier copy of the rubric by the scribe still visible in the margin. Some letters have the mark 'cor.' in the margin. The MS has two numerations. A contemporary hand numbered the folios of the preface as I-IV and then began the folios of the letters (present pag. 9) with 'prima', followed by foliation in roman numerals centered in the top margin through the rest of the volume. This foliation is then referenced by the same hand in the margins of the table of rubrics. The second numeration is a modern pagination in the upper outside corner, this numeration is followed here. <I>r has an inscription by Paolo Scapaticci donating this MS to Pope Leo XIII: 'Leoni XIII pontifici maximo ... Humillius seruus Paulus Scapaticci ... bibliothecae Vaticanae LL VV scriptor obsequium tibi dedi.' The stamp of Scapaticci's library ('Bibliotheca Pauli Scapaticci') appears on <I>r and pages: 1, 9, and 158. In addition to the loss of the last quire, the MS has suffered extensive damage at the beginning of the eighth quire, where the first leaf is missing (between pages: 112 and 113) and the next two leaves (pages: 113-116) are damaged, with holes in the leaves causing loss of text. The first four folios of each quire have an internal numbering system, 'a 1-4' etc., in the extreme lower outside corner. Catchwords are centered; depending upon the scribe, they are either framed or decorated. The MS has a leather binding with the arms of Leo XIII. <I>v is blank.

Vat. lat. 10836	saec. XV (1422)
------------------------	------------------------

Scr. Nicolaus Truper.

<I> +99 fols. chart. (memb.: I) 428 (288) x 290 (181) mm, origin Italy (?). Quiniones, saec. XV (1422).

<I> <Instrumentum>

(This notarial instrument, prepared by Nicholas Hamborch, records a decision of Johannes de Opiziis, auditor of the Rota, in Florence, 15 February 1420, in the case of Johannes Widenbusche of Frankfurt against Nicholas Ealdetris, concerning the parish church of Nedernolme in the diocese of Mainz.)

fol. 1ra-99rb <**Antonius de Butrio, Commentaria in Decretales**> (Lib. IV: X 4.1-4.41)
 (See Vat. lat. 2242 fol. 303ra-390vb for further information.) *Variants:*
 (Praefatio) Hec continuantur ad precedentes hac forma: in precedentibus dictum
 est de actibus /// spectantibus ad clericos ... (Finis) recipiunt correctiones per
 canones etc. (Colophon) Et sic est finis huius ZZ pro quo sit gloria Christo anno
 domini M^o cccc.xxii. mensis februarii die octaua. Nyco. huic nomen laus scriptori
 donetur. Tru. si compones cum per, cognomen habetur.

Cat. Borino I 381-82. **Ed.** and **Bibl.** See Vat. lat. 2239, and Sella, 'Nuove sigle' 8 (*do., domi.* Dominicus de Sancto Geminiano).

The MS is written in brown ink in a late Gothic bookhand, lemmata are black, in large, formal Gothic script. On fol. 1ra is an elaborately decorated opening 'D', containing a miniature in green, red, blue, and brown, of a pope enthroned. The decoration is an unfortunate mixture of Italian and German styles and includes two monkeys. Capitals are red and blue, with penwork decoration in the contrasting color; some are missing. Paragraph signs are red and blue. There are extensive additiones and notations, e.g. fol. 3vb, in a contemporary hand. On Iv are two notes, in different hands, on the contents of the MS; most of the folio is taken up with legal notes and quotations from Jerome, *Contra Iovinianum* and *De uirginitate ad Eustochium*, in one of the same hands. Catchwords are centered. There are several foliation systems; the stamped one at lower right is followed here. Fol. 1 and 99 are damaged, and the MS shows some staining at the edges. I and fol. 1 have been reinforced. For the watermarks, cf. Briquet no. 11719. The MS is bound in twentieth-century cloth and parchment. Fol. 99v is blank.

Vat. lat. 10962	saec. XV (ca. 1420-1435)
------------------------	---------------------------------

Scr. Verdanus; Thomas de Salvettis; Paulus legum doctor; Christophanus notarius.
 135 fols. chart. 298 (207) x 222 (116) mm, origin Italy (Florence). Biniones, saec. XV
 (ca. 1420-1435).

fol. 1r-5v, 7r-67v, 74r-134v <Auctores varii, **Consilia et decisiones**>, nominantur:
 Albicius de Albergottis (fol. 92r-v, 111r-113r); Antonius de Butrio (fol. 81v-83r);
 Bartholomaeus de Saliceto (fol. 74r-80r [**Bibl.** Belloni, *Professori* 167]);
 Collegium iuris universitatis Perusii (fol. 126r-128v); Dominicus iudex (fol. 96r-
 98v); Franciscus de Machiavellis (fol. 28r-30v); Franciscus de Ramponibus (fol.
 83r-v); Franciscus de Zabarella (fol. 74r-80r [**Bibl.** Belloni, *Professori* 20]);
 Gaspar ser Ludovici Bartoli de Ludovicis (fol. 35r-v); Johannes de Anania (fol.
 49r-50v); Johannes de Bongiolamis de Eugubio (fol. 53r-55v, 58r-66v, 119v-
 120r); Katelenus de Belinatiis de Mutina (fol. 36r-45r); Laurentius de Ridophis
 (fol. 83v-85r); Ludovicus Pontanus (fol. 46r-48v); Matthaeus Philiciani (fol. 114r-
 v); Michael de Accoltis (fol. 1r-v, 7r *marg.*-9v, 92r); Nellus de Sancto Geminiano
 (fol. 33r-34v, 83v-85r); Nicolaus Johannis de Carduciis, capitanus Pisae, cum
 consiliaribus suis (fol. 100r-103r); Petrus d. Albiçi de Pisis (fol. 52r-v); Philippus
 Andreae de Lucca (fol. 56r, 115r-118r [includes decision of a judge]); Salustius
 de Bongiuglielmis de Perusio (fol. 10r-v *marg.*; 56r, 91r-v, 108r-109r [?]);
 Stephanus de Bonacursiis (fol. 32r-v, 80v-81r); Thomas de Salvettis (fol. 7r-8v,
 10r-11v, 28r-30v, 134r-v); Torellus de Torellis (fol. 83v-85r); incerti auctores
 (fol. 2r-v, 3r-5v, 19r-22r, 23r-v, 24r-26r, 67r-v, 86r-88r, 89r-90v, 106r-107v,

110r-v, 121r-v, 122r-123r, 125r-v, 131r-132v, 133r-v).

fol. 6r-v <**ZZ Statuta potestatis Florentiae, Statuta**, excerpta>

(Rubrica) 'XLII (*sic*). De rubrica de precepto guardentigie. (Textus) Omnes et singuli notarii et iudices ordinari tam de ciuitate comitatus et districtus Florentie ... (Finis) In totum uel in partem probari nisi per scripturam publicam (**Ed.** *Statuti della repubblica Fiorentina*, ed. R. Caggese, 2 vols. (Firenze 1910-21) II 87-90, 87.)

fol. 68r-72v **Gerardus de Corsinis, Inquisitio in civitate Pistoriae**

(Praefatio) Hoc est quedam inquisitio que fiat et fieri intenditur per nobilem et potentem uirum Gherardum domini Filippi de Corsinis ... (Textus) Ser Iacobum Marci Capelle siue Marci de Pistorio notarium in eo de eo et super eo ... (Finis) in alia inquisitione infra formata contra Filippum Michaelis ut infra 10 plenius et latius continet.

Cat. Borino II 185-88; Dolezalek, *Verzeichnis 2. Bibl.* L. Martines, *Lawyers and statecraft in renaissance Florence* (Princeton 1968) 481-508, for profiles of several of the authors of *consilia* in this MS.

The MS is composed of many separate documents with blank folios intervening. It is written in many hands, some the autographs of the jurists. The color of ink and style of writing varies with the documents. Among the writers are: Verdanus (fol. 30v); Thomas de Salvettis (fol. 45r); Paulus legum doctor (fol. 52v); and Christophanus notarius capitani populi (fol. 115r). Seals and remnants of seals appear, cf. fol. 35v and 56r. There is no decoration. An old written numeration (fol. 28 = old fol. 92) indicates the loss of many leaves. The modern stamped numeration is followed here. On the inside front cover is a tag with the printed number '2801.' The MS is in a generally deteriorated condition. For watermarks, cf. Briquet nos. 6067, 11652, 1243, 11872, and 9969. The MS has a modern parchment non-Vatican binding with the title 'Miscellanea legale'. Fol. 12r-18v, 22v, 27r-v, 31r-v, 45v, 51r-v, 56v-57v, 73r-v, 85v, 88v, 93r-95v, 99r-v, 103v-105v, 109v (except one note), 113v, 118v, 120v, 123v-124v, 129r-130v, and 135r-v are blank.

Vat. lat. 11152	saec. XIII.1
------------------------	---------------------

antea 85/59. **Prov.** Rome, Accademia di Conferenze Storico-Giuridiche; Assisi, Convent of San Francesco O.F.M.

204 fols. + (52a-b, 62a, 104a, 127a, 157a, 163a-c, 165a, 168a) memb. 400 (298) x 253 (204) mm, origin Italy. Quaterniones, saec. XIII.1.

fol. 1ra-204va **Justinianus, Codex** (See Vat. lat. 1428 fol. 1ra-288vb for further information.) *Variants:*

(Invocatio) Amen. *om.* (Rubrica) Codicis domini Iustiniani sacratissimi principis incipit liber i. De nouo codice faciendo. (fol. 2vb) (Invocatio textus) In nomine Domini nostri Ihesu Christi. (Rubrica textus) Domini Iustiniani perpetui augusti repete prelectionis codicis liber i. De summa Trinitate et fide catholica. (Inscriptio textus) <I>mperator (*sic*) Gracianus Valentinianus et Theodosius augusti ad populum urbis Constantinopolitane.

fol. 1ra-204va, passim <**Glossae ad Codicem**> ac. (fol. 60vb, 129va, et passim); aç. (fol. 74ra, 74vb, et passim); Al. (fol. 19ra, 57va); al. (fol. 32ra, 58rb, et passim); Antonius (fol. 180va); az. (fol. 5ra, 6ra, et passim); b. (fol. 44va, 170rb); B. (fol. 9va); Ca. (fol. 83ra); Cy. (fol. 9va, 178vb); h. (fol. 1ra, 1rb, et passim); Ia. (fol. 1va, 2ra, et passim); Ia' (fol. 127va); Iac. (fol. 90rb); Io. (fol. 18rb, 28ra, et passim); iob. (fol. 1ra); Iob. (fol. 149vb, 196ra); M. (fol. 56ra, 147ra); ot. (fol. 52b^r, 196ra, et passim); Ot. (fol. 54rb, 85rb, et passim); p. (fol. 2va, 6vb); p' (fol. ZZ20-va, 24vb, et passim); plac' (fol. 7ra, 54vb); place (fol. 7ra); py. (fol. 36rb, 52v); Rai. (fol. 75vb); Rof. (fol. 35ra); Sy. (fol. 150rb, 168rb); y. (fol. 22rb, 60rb, et passim); yr. (fol. 129va).

Cat. Dolezalek, *Verzeichnis 2. Bibl. M. Bellomo*, 'Consulenze professionali e dottrine di professori. Un inedito 'Consilium domini Accursii.' *Quaderni Catanesi di studi classici e medievali* 4 (1982) 199-218, using this MS (siglum V) to show the source of the *consilium*; Cortese, *Norma* II, quoting from the glosses of this MS at 43(-44) n. 8, 237(-38) n. 180, 307(-09) nn. 25 and 27, 339 n. 81, 352 n. 108, and 365(-68) n. 4; G. Dolezalek, *Repertorium manuscriptorum veterum Codicis Iustiniani*, *1 vol. in 2* (Ius commune Sonderhefte 23, Repertorien zur Frühzeit der gelehrten Rechte; Frankfurt a.M. 1985) I 57 n. 56, 74, 435-36 and 511, II 531-781 and 850-53, using this MS (sigla V11152, V11152HU, and V11152AD) in editions of selected glosses; Padovani, *Sostituzioni* 532-33, editing an Irnerian gloss, using this MS fol. 126v (siglum V); Calasso, 'Bartolo' 662; Mercati, 'Altri codici' 493; Caprioli, 'Tre capitoli' 282, 329, 334, 337, 354; Sella, *Sigle*.

The text is written in a Gothic bookhand in black ink. The scribe added the *authentica* in the margins. The layers of glosses are linked to the text by systems of symbols. Dolezalek has identified four layers of early glosses, cf. *Repertorium* I 435-36. Verses appear at fol. 20va (Walther, *Initia* no. 16870), 59ra, 64rb, 73rb, and 73vb. Fol. 52a-52b, 62a, 127a, 157a, 163a-163c, 165a, and 168a are inserts with additional glosses. Space remains at the head of each book for the opening inscription in display script. Rubrics are red. Capitals of inscriptions are blue; those of the following incipits are red. Most of the ZZ former are missing. Paragraph signs are red or blue. Some of the folios are badly rubbed. The MS has a modern leather, pasteboard, and paper binding with gold lettering on the spine.

Vat. lat. 11153	saec. XIII.2
------------------------	---------------------

antea 10/58 N. 3. **Prov.** Rome, Accademia di Conferenze Storico-Giuridiche; Assisi, Convent of San Francesco O.F.M.
161 fols. memb. 403 (377) x 255 (230) mm, origin Italy. Quaterniones, saec. XIII.2.

fol. 1ra-55va **Justinianus**, <**Tres libri**> (See Vat. lat. 1433 fol. 71ra-129rb for further information.) *Variants*:
(Rubrica) Codicis domini Iustiniani repetite prelectionis explicit eber IX. Incipit liber X. De iure fisci. (Finis) offitio *pro* officium <Colophon deest.>

fol. 1ra-55va **Accursius**, <**Glossa ordinaria in Tres libros**> (See Vat. lat. 1433 fol. 71ra-129rb for further information.) *Variants*:
<Lemmata desunt.>

fol. 1ra-55va, passim <**Additiones ad glossam ordinariam**> dy. (fol. 1vb); od' (fol. 3rb); R. (fol. 3rb, 4rb, et passim); Ray. (fol. 1vb, 2vb, et passim).

fol. 56ra-161ra **Justinianus, Authenticum** (See Vat. lat. 1436 fol. 84ra-208vb for further information.) *Variants*:
(Invocatio) u. *pro* Ihesu (Rubrica) Incipit liber autenticorum Iustiniani augusti.
(fol. 56rb) (Inscriptio) Imperator Iustinianus Iohanni prefecto pretorio.
(Colophon) autenticorum *pro* autenticorum.

fol. 56ra-154va **Accursius, <Glossa ordinaria in Authenticum>**, imperfecta (Nov. 1-128.20) (See Vat. lat. 1436 fol. 84ra-208vb for further information.) *Variants*:
(Lemma primum) *In nomine* om. (Lemma ultimum) *Damus*: ... (Finis) Item ff. de of. proconsul. et le. [gati] l. iii § f. (Dig. 1.16.4.6) contra (v. *cod.*) *so*. hoc nouum.
(**Bibl.** Add: F. Soetermeer, 'L'ordre chronologique des apparatus d'Accurse sur les Libri ordinarii', *Historia del derecho privado. Trabajos en homenaje a Ferran Valls i Taberner* 10 (Barcelona 1989) 2867-92 at 2876-77.)

fol. 56ra-154va, passim <**Additiones ad Glossam ordinariam**> dy. (fol. 85va); Iac. de are. (fol. 61rb); od. (fol. 124rb); R. (fol. 57rb, 58ra, et passim); Ray (fol. 56rb, 56va, et passim).

Cat. Dolezalek, *Verzeichnis* 2. **Bibl.** Mercati, 'Altri codici' 493.

The MS is in several Gothic bookhands in brown ink. Changes of hand occur at fol. 37v/38r, 55v/56r, 109v/110r, 117v/118r, 147v/148r and 155v/156r. All of the hands are variations of Bolognese gothic except that on fol. 148r-155v which is in the French style. Each apparatus is keyed to its text by a system of letters. The MS has been corrected, e.g. fol. 3vb, and pecia marks occur occasionally, e.g. fol. 9r and 58rb. Several hands have made additions in the margins. The decorator and placement of catchwords changes with the hands, but the style is constant throughout. A miniature, 'Imperator' in display script, and a small multicolored initial in Bolognese acanthus design are at the beginning of the books at fol. 1ra, 16va, and 56ra. Those on fol. 56ra are inferior to the other two. Spaces were left for these at fol. 33rb. Fol. 110ra opens with an initial. 'I' in the shape of an emperor. Title capitals are red and blue. Lex and inscription capitals alternate red or blue with light decoration in the contrasting color. Paragraph signs are red or blue. Rubrics are red. Some rubrics are missing; some have been supplied by an annotator. There is no decoration in fol. 32ra-37vb (end of quore and hand). Fol. 161v has a table of titles for the Authenticum, in one hand but written over a period of time. This note appears at the bottom of fol. 1rb, 'D. ///exius ponit die 16 octobris 1421 /// scripsit'. Pawn marks in Hebrew and business notes in Latin appear at fol. 161v. Among the latter is 'Pignus d. Iohannis de Genesio et d. Macthei de eodem loco pro ii faculis'. Fol. 158-161 have suffered from a puncture with some loss of text. The MS has a non-Vatican binding of leather, pasteboard, and paper with gold lettering an the spine.

Vat. lat. 11154	saec. XIII
------------------------	-------------------

Prov. Rome, Accademia di Conferenze Storico-Giuridiche; Assisi, Convent of San Francesco O.F.M.

217 fols. memb. 446 (351) x 265 (120) mm, origin France (?). Quaterniones, saec. XIII.

fol. 1vb-214va **Gregorius IX, Decretales** (See Vat. lat. 1379 fol. 1ra-294ra for further information.) *Variants:*
(Inscriptio) [Parsisius] *pro* Bononie (Rubrica textus) Incipit lib. I *praem. ante* De summa.

fol. 1vb-214va <**Bernardus de Botone Parmensis, Glossa ordinaria in Decretales**>
(See Vat. lat. 1379 fol. 1ra-295ra for further information.) *Variants:*
(Siglum) b. (**Bibl.** Kuttner-Smalley, 'Glossa ordinaria' 98-99, identifying this as a pre-1263 version of the apparatus, with only a few references to Innocent IV.)

fol. 1vb-214va, passim <**Additiones ad Glossam ordinariam**> aurel'. (48va, 67vb, et passim); b. (fol. 25ra, 41ra); B. (fol. 7va); B. ispanus (fol. 2r, 3vb, et passim); b. salict. (fol. 156vb); ber. ispan. (fol. 4rb, 109ra); G. (fol. 22rb); G. naso (fol. 67vb, 74va); gau. (fol. 44va); Gof. (fol. 12va, 12vb, et passim); Guillm' nasonem (fol. 16ra); hostien. (fol. 123va), In. (fol. 38ra, 49rb, et passim); inn' (fol. 5ra, 22va); Inno. (fol. 48va); innoc' (fol. 3va, 5rb, et passim); Innocen. (fol. 14rb, 18ra, et passim); Innocen. iiii (fol. 2vb); Io. (fol. 2rb); lau. (fol. 15rb); M. (fol. 28ra); Ostien. (fol. 115vb); p. de salinis (fol. 2ra); Vin. (fol. 33va, 47vb, 48rb).

fol. 135v *marg. inf.* <Incertus auctor, **Quaestio disputata**>
(Textus) Quidam sub ea conditione religionem intrauit ... (Finis) ut extra qui clerici uel. uo., Insinuante (X 4.6.7) idem dicit t.

fol. 158r *marg. inf.* <Incertus auctor, **Quaestio disputata**>
(Textus) Quidam clericus nec indebitis non indebitis exactionibus grauaretur ab episcopo suo ira commotus in manibus eiusdem episcopi ... (Finis) cum loquitur in diuortio (These two *quaestiones* seem to be in the hand of the scribe.)

fol. 112v *marg. inf.* <**Formula pro ordine degradationis**>
(Textus) Nos Ancherus miseratione diuina tituli sancte Praxedis presbyter cardinalis .. de .. quem constat fuisse hereticum ... (Finis) periculum (?) /// ipsum /// tarderetur. (Subscriptio) Predicta forma degradationis post discussionem approbata fuit per dominum Martinum papam IIII apud Vrbem Veterem anno domini M^o CC^o octagesimo quarto pontificatus sui anno tertio. (**Bibl.** B. Schimmelpfennig, 'Die Absetzung von Klerikern in Recht und Ritus vornehmlich des 13. und 14. Jahrhunderts', *Proceedings Salamanca* 517-32 at 523-26 and 530. This has been added in a fine chancery hand.)

fol. 216ra-rb <**Tabula titulorum**>
(Entries are in alphabetical order, with folio numbers. The table is in a 15th-century cursive hand)

fol. 216v <**Nota de matrimonio**>
(Textus) Quod notatur de sponsa duorum c. Tua (X 4.4.4) in quod matrimonium contractum contra interdictum ecclesie tenet et ualet ... (Finis) dico contra quia ciuilis ratio ciuilia iura tollere potest naturalia nequaquam. (Annotatio) Require

supra in Rubrica de matrimonio contracto contra interdictionem ecclesie (X 4.16). (At that place, fol. 163r, marg. inf., is a note 'Require infra folio ultimo'. The note is in an elegant Gothic cursive hand.)

fol. 217r <**Additio de inquisitione criminis**>

(Textus) Adde ad iam dicta super l. glo. in qua dictum est quod hec decretalis loquitur de speciali inquisitione que sit commune certi criminis contra certam ... (Finis) Et ita intelligitur materia notata in c. Pastoralis in § /// de officio delegati (X 1.29.28). (Apparently from a gloss on the Liber Extra although not identified, the passage makes reference to Johannes Andreae. The text is in a late 15th-century cursive hand.)

Bibl. M. Bertram, 'Aus kanonistischen Handschriften der Periode 1234 bis 1298', *Proceedings Toronto* 27-44, citing this MS at 31 and 39; Mercati, 'Altri codici' 493.

The MS is written in brown ink, in a fine, even Gothic bookhand, exaggerated ascenders in the top lines of the apparatus suggest chancery influence. The apparatus is keyed to the text with letters and symbols. Spaces were left for large initials at the first inscription, the beginning of the preface, and at the start of each book, space was also left for a miniature at the start of the text on fol. 2ra. Capitals alternate red and blue, with penwork decoration in the contrasting color. Rubrics are red; paragraph signs are red or blue. Catchwords are framed off-center to the lower right. The MS contains numerous marginal and interlinear notations and glosses in several hands. Fol. 1r is an early modern title page: 'Decretales Innocentii III cum glossa' with a partly erased ex libris and, in a 19th-century hand, the shelfmark and the note 'Originale decretalium Innocentii III postillate in Uniuersitate Bononiensi'. Another erased ex libris appears on fol. 214vb. Fol. 215v contains various legal notes, only partially legible. Fol. 217r has the word 'Decretale' in a 13th-century hand at the top of the folio, followed by eight lines of verse in a medieval Italian dialect, in the same hand as the addition on criminal inquisition. On the same folio, in a different hand, are the notes 'Quisto libro si ene d'uno frate de sancto Francissco. Cum ego Cato animam uerterem quem plolimos (*sic*). Que denicque (*sic*) mores, etc.', 'In nomine domini anno domin [///]'; in yet another careless cursive hand is 'die mercurii quatuor temporum et dixit dominus quod magister /// habent terminum usque ad noctem(?) [de sacerdotio(?) eandem suscipiendum est(?) *sup. lin.*] quod /// non d///'. The binding is of leather and marbled paper over wood, fragments of an incunabulum lectionary were used as guard folios. Fol. 215r and 217v are blank.

Vat. lat. 11155	saec. XIV.1
------------------------	--------------------

antea 104/58 N.6. **Prov.** Rome, Accademia di Conferenze Storico-Giuridiche; Assisi, Convent of San Francesco O.F.M.; Galeotus Petrus Paulus de —. 312 fols. memb. 411 (375) x 260 (238) mm, origin Italy. Quiniones, saec. XIV.1.

fol. 1ra-rb <**Tabula rubricarum**>

fol. 2ra-311rb **Justinianus, Digestum vetus** (See Vat. lat. 1410 fol. 3ra-349vb for further information.) *Variants:*

<Inscriptio deest.> (Invocatio *praem. ante rubr.*) In nomine Domini. (Finis) liberis ciuitatem maxime sit necessarium (D. 24.3.1). <Colophon deest.>

fol. 2ra-311rb **Accursius, <Glossa ordinaria in Digestum vetus>** (See Vat. lat. 1410 fol.

3ra-349vb for further information.) *Variants*:

(Lemma primum) *Iustinianus*: a patre Iustino <Colophon deest.> (**Bibl.** Add: F. Soetermeer, 'L'ordre chronologique des apparatus d'Accurse sur les Libri ordinarii', *Historia del derecho privado. Trabajos en homenaje a Ferran Valls i Taberner* 10 (Barcelona 1989) 2867-91 at 2869, 2872-75, 2877-79, and 2892.)

fol. 2rb-311rb <**Additiones ad Glossam ordinariam**> ZZ A (fol. 2va, 3ra, et passim); ac (fol. 2rb, 5va, et passim); Ac (fol. 5vb); accu (fol. 5rb), Accur (fol. 42rb, 217rb); Accursius (fol. 98ra, 244rb); az (fol. 120 rb, 175vb); Azo (fol. 87vb); B (fol. 3rb, 29va, et passim); bn (fol. 8r, 74ra); Bo (fol. 11ra, 15vb, et passim); Bona (fol. 57ra, 137rb, et passim); bu (fol. 138rb); car. de mo fa (fol. 141vb, 142va); car de mo faudu (fol. 143rb); cy (fol. 13rb); doc mod'n a botri' (fol. 17vb); dy (fol. 5rb, 117ra, et passim); dyn' (fol. 89vb); f (fol. 78rb, 81rb, et passim); fra (fol. 51rb, 95vb, et passim); fra' (fol. 104rb, 255r); Franc' (fol. 2va, 37vb, et passim); G. d' suz (fol. 1v, 5vb, et passim); g. d' subiaria (fol. 158vb); G. d' subiaria (fol. 102rb, 165r); Guil. (fol. 17vb); ia (fol. 4rb, 213ra); Ia (fol. 4ra, 5vb, et passim); Ia bal. (fol. 19va, 81ra, et passim); Ia bald (fol. 85vb); Ia bel (fol. 154vb); ia bl' (fol. 5va); Ia bl' (fol. 144rb, 186ra, et passim); Ia bl' u'o (fol. 44vb); Ia but' (fol. 4vb, 5va, et passim); Ia butr' (fol. 13va, 14ra, et passim); Ia butri (fol. 4rb, 5vb, et passim); Ia d' ar' (fol. 310va); Ia d' ar (fol. 5ra, 5va, et passim); Ia d' Are (fol. 17vb, 159ra, et passim); Ia d'are (fol. 5va, 152va, et passim); Iac (fol. 87rb, 154rb); Iac' ho (fol. 247va, 252rb); Iacob' albton' (fol. 269va); Iacobi' alb'tonis (fol. 95vb, 93ra?); Iacobus (fol. 24va, 138rb); Iacobus balduinus (fol. 85rb); Iohannes (fol. 46rb); M d' fa (fol. 5v, 6v, et passim); M de fan' (fol. 5rv); M Fa (fol. 39rb); M sy (fol. 2ra, 2rb, et passim); m sy (fol. 5ra, 183va, et passim); Mar d' fa (fol. 116ra, 311v, et passim); Mar sy (fol. 14ra, 18rb, et passim); Ma't d' fan' (fol. 154r); ma'tin de fano (fol. 157vb); od' (fol. 3vb, 15vb, et passim); odd' (fol. 270v); oddo (fol. 7r, 19vb, et passim); odo (fol. 8vb, 18vb); odof (fol. 199rb, 200rb); p. (fol. 79va); pe (fol. 16va, 198vb, et passim); pe d' bl pti (fol. 14va, 18rb, et passim); pet d' bl pti (fol. 163rb, 241vb); R (fol. 23v, 27v, et passim); R d' senis (fol. 10 ra); R' M (fol. 35va); Ray de fur (fol. 244rb); Ri (fol. 24rb, 163va); ric mal' (fol. 152rb); thomas pi' (fol. 139va); ya but (fol. 128rb); ya butri (fol. 44ra, 78rb).

fol. 6v, 11v, 16v-312r, passim <Auctores varii, **Distinctiones, quaestiones et quaestiones de facto, additiones variae**> nominantur: Azo; Benedictus Beneventanus; Dinus de Mugello; Cinus de Pistoia; Guido de Suzaria; Iacobus de Arena; Iacobus Balduinus; Iacobus de Belvisio; Iacobus Butrigarius; Martinus de Fano; Martinus Syllimanus; Odofredus de Denariis; Petrus de Bellapertica; Thomas de Piperata.

fol. 14va, 18rb et passim <Auctores varii, **Repetitiones seu lecturae in Digestum vetus**> nominantur: Iacobus Balduinus (fol. 84va-85rb); Iacobus Butrigarius (fol. 131ra-rb); Dinus de Mugello et Petrus de Bellapertica (fol. 140ra-rb).

fol. 312r <Incertus auctor, **Consilium**>, fragmentum

(Invocatio) In nomine domini amen. (Rubrica) Punctus questionis est. (Textus) Quidam decessit superstante matre sua legitima et naturali ... (Finis) ad legem in iunc///? qua inter cetera cauetur ///

Cat. Dolezalek, *Verzeichnis* 2. **Bibl.** Sella, *Sigle* passim; Mercati, 'Altri codici' 493; G. Battelli, 'Ricerche sulla pecia nei codici del 'Digestum Vetus', *Studi di paleografia, diplomatica, storia e araldica in onore di Cesare Manaresi* (Milano 1953) 309-30 at 317 and 328; Caprioli, 'Tre capitoli' 324 n. 464, quoting a gloss from fol. 9va.

The MS is written in black ink; both the text and the apparatus are in multiple hands. The apparatus is in very informal hands, as are some sections of the text. There are sporadic corrections. Lemmata are repeated in the apparatus at the beginning of the MS; generally the apparatus is keyed to the text by letters. There are dense *additiones* in several hands; some are well organized and seem to represent excerpts of larger works. Many *quaestiones* have been carefully added in the margins. Some of them are numbered and probably were taken from a *collectio quaestionum*. The opening *inscriptio* of each book is in display script composed of elongated letters alternating red and blue and decorated with penwork. That intended for fol. 2r is missing. Capitals are blue for each inscription, red for the incipits. The blue letters are missing on fol. 153-165. Rubrics are red; paragraph signs alternate red and blue. Some folios are badly rubbed, e.g. fol. 30r. Catchwords are framed at the lower right. On fol. 1r-v is a series of legal notes by unidentified authors in a tiny cramped hand. On fol. 312v is an illegible note and 'Liber iste ff. ueteris est domini Galeot Petri Pauli de ...'. Many pages have been torn and repaired with yarn. Tops of several folios are missing; some have been repaired and the gloss replaced, e.g. fol. 5. The MS has a modern stamped numeration, placed where possible at the lower right. The non-Vatican binding is of variegated paper over wood.

Vat. lat. 11156	saec. XII-XIII
------------------------	-----------------------

antea 204/58 N. 6; 40. **Prov.** Rome, Accademia di Conferenze Storico-Giuridiche; Assisi, Convent of San Francesco O.F.M.; Angelus de Assisio; Jacobinus de Muc; Aldobrandinus de Florentia.
143 fols. memb. 380 (274) x 215 (115) mm, origin Italy. Quaterniones, saec. XII-XIII.

fol. 1va-vb <**Tabula titulorum Digesti novi**>, imperfecta

fol. 2ra-140ra <**Justinianus, Digestum novum**> (See Vat. lat. 1421 fol. 1ra-306ra for further information.) *Variants*:

(Rubrica) De operi (*sic*) noui nuntiatione. (Inscriptio) <V>Ipianus. (Textus) denuntiationem *pro* nuntiationem (Colophon) Explicit liber digestorum seu pandectarum presens.

fol. 2ra-140ra, passim <**Glossae ad Digestum novum**> A. (fol. 123vb); Aç. (fol. 33va); Al. (fol. 123va, 132vb); az. (fol. 134ra, 134rb); I. (fol. 10 vb, 11rb, et passim); Ia. (fol. 21vb, 22rb, et passim); Io. (fol. 111vb, 119rb, et passim); m (fol. 86va); M. (fol. 31rb, 31vb, et passim); d. Ma. (fol. 27rb); R. (fol. 91rb, 120va, et passim); V. (fol. 120va, 132va, et passim); W. (fol. 122va); y. (fol. 9vb, 10rb, et passim).
(**Bibl.** F. Migliorino, *Fama e infamia. Problemi della società medievale nel pensiero giuridico nei secoli XII e XIII* (Catania 1985) 134 refers to this as the Rogerian apparatus and edits a brief gloss from fol. 132ra (siglum VI); Cortese,

Norma I 325 n. 91 and 330(-31) n. 110, quoting from glosses in this MS; Caprioli, 'Tre capitoli' 284 n. 271, 306 and n. 374, 333 n. 491, 349-50, 352-53, and 365-66, the last three using a gloss from fol. 137va; P. Nardi, *Studi sul banchiere nel pensiero dei Glossatori* (Quaderni di 'Studi senesi' 44; Milano 1979) 192 and n. 14, 229 n. 48.)

fol. 140ra-141vc **Bulgarus**, <**De diversis regulis iuris**>

(Textus) Regula est brevis rerum narratio ... (Finis) ut habetur in titulo (supra *pro* habetur in titulo cod.) Si quis cautionib. (carunt cod.) iu. sisti. caus. (c. factis cod.) (Dig. 2.11). (Subscriptio) B. (**Ed.** Bulgarus, *Ad Digestorum titulum de diversis regulis iuris antiqui commentarius et Placentini ad eum additiones sive exceptiones*, ed. F.G.C. Beckhaus (Bonnae 1856; anast. repr. Frankfurt. a. M. 1967). This version matches the edition's *Codex Parisiensis*. **Bibl.** Caprioli, 'Tre capitoli' 271, 273-75.)

fol. 142ra-rb <**Innocentius III**, *Epistola Inquisitionis negotium*> (Po. 4628)

(**Ed.** and **Bibl.** F. Migliorino, 'La decretale 'Inquisitionis' a proposito della 'Collectio Bambergensis', *Rivista internazionale di diritto comune* I (1990) 173-82, using this MS (siglum V) in the edition at 180-82.)

Cat. Dolezalek, *Verzeichnis* 2. **Bibl.** Mercati, 'Altri codici' 493; Sella, *Sigle*; G. Dolezalek, 'Der Glossenapparat des Martinus Gosia zum Digestum Novum', *ZRG Rom.* Abt. 84 (1967) 245-349, describing this MS at 255-56.

The main part of the MS is written in several late Carolingian bookhands in brown ink. The opening quire, fol. 2r-13v, is later than the remainder of the text, in a late 12th- or early 13th-century proto-gothic script. Fol. 13vb is compressed, as though the scribe had to complete the text in the given space. This suggests that the original opening quire was damaged or lost and had to be replaced. The book and title initials were never filled in. Capitals and paragraph marks alternate red and blue. According to Dolezalek, the remainder of the Digest can be divided into three sections: fol. 120-133 are 'from the time of Azo'; the remainder of the text is in two alternating hands from the second half of the 12th-century. The MS has three layers of pre-Accursian glosses, some of which appear on attached scraps and on fol. 1r and 142rb-143v. Dolezalek defines these layers as: 1) a gloss of light brown ink added before all the parts were put together, his siglum V; 2) a fine line black gloss, mostly interlinear, his siglum Vy; and 3) the apparatus of Martinus, his siglum Vm. On fol. 14r-30v space remains for initials at the beginnings of books and titles. Beginning on fol. 31r, books open with large, elaborate multi-colored initials in a variety of styles (lacking at fol. 102va and 117va). The names of jurists are written in display script; and titles begin with initials illuminated in Romanesque white-vine design. Some of these initials are inhabited or zoomorphic. Many are missing. Capitals, paragraph marks, and rubrics are red. Catchwords are at lower right. The table, the Bulgarus text, and the papal letter were added in other hands. Fol. 1r has these marks of ownership: 'Aldobrandini Florentie'; 'tempore quo fuit potestas Aldobrandinus de Florentia de ciuitate Assisii currebant anni Domini M cc xiii'; 'Iacobinus de Muç uendidit mi Angelo digestum nouum pro xiii libris et xi solidis turon. (?) presentibus his testibus, scilicet Bonefatio sartore, Nicolao Apoulo, Benuenuto fratre Berardelli et ipso Berardello'. Fol. 142v and 143v also contain additional legal notes and notes on events and on business; e.g. fol. 142v *marg. inf.*, 'M CC xlviiii currebat tempore potestatis domini Iohannis Vg. (?) de Greca (?)'. Many of these notes were written by Angelus de Assisio; see fol. 143v. Most of fol. 143r is blank, with only a few notes and glosses in the lower margin. The MS has a non-Vatican quarter-leather binding over wood boards finishes with marbled paper.

antea 104/58 N. 4. **Prov.** Rome, Accademia di Conferenze Storico-Giuridiche; frater Nicolaus; Assisi, Convent of San Francesco O.F.M.
246 fols. memb. (chart.: fol. 1) 391 (339) x 247 (208) mm, origin Italy. Quiniones, saec. XIII.1.

fol. 1r <Incertus auctor, **Versus**>

(Textus) Igitur postea orabo ut manu me mittat ... (Finis) numquam hinc feres a me. (This verse is in a 15th-century cursive hand.)

fol. 2r-v <Incertus auctor, **Quaestiones in Genesim**>, fragmentum

(Textus) /// uisibilis et apparicio. Ad 7^m q. respond. quod processio dicitur...
(Finis) quos uniuersitaliter tenebantur homines exprimi///. (This fragment is in a 15th-century Germanic cursive bookhand.)

fol. 3ra-vb <**Justinianus, Institutiones**>, fragmentum (Inst. 1.5.3 in med.-1.8.2 in med.)
(This fragment is in a 14th-century Gothic bookhand.)

fol. 4ra-rc <**Tabula titulorum Infortiati**>

(This table is in a late Gothic cursive bookhand.)

fol. 5ra-246rb <**Justinianus, Infortiatum**> (See Vat. lat. 2514 fol. 1ra-297vb for further information.) *Variants*:

Rubrica *praem. ante rubricam*; in unum *add. post* petatur (Inscriptio) <V>lpianus *pro* Pomponius.

fol. 5ra-246ra **H**<**ugolinus, Apparatus in Infortiatum**>

(Lemma primum) <*Petatur*>: Idest repetar. sic supra de pig. act. Petendi (Dig. 13.7.27) ... (Lemma ultimum) *Si filius familias*: Concor. hinc l. C. (*sic*) ad l. Fal. Filius (Dig. 35.2.18). (**Bibl.** H. Van de Wouw, 'Zur Textgeschichte des Infortiatum und zu seiner Glossierung durch die frühen Bologneser Glossatoren', *Ius commune* 11 (1984) 231-80 at 249 and 251, identifying this gloss as that of Hugolinus; G. Dolezalek, 'Index manuscriptorum veterum Infortiati', *Ius commune* 11 (1984) 281-87 at 284-85; V. Colli, 'Una lectura di Giovanni Bassiano', *Ius commune* 11 (1984) 37-53 at 50-53, editing fol. 160va-vb (siglum V) of the gloss as originally a lecture of Bassianus; Bellomo, *Problemi* 16 n. 17 and 17-18 nn. 20-21, citing glosses at fol. 49va. A gloss has been erased at fol. 117r.)

fol. 5ra-246ra, passim <**Additiones ad Apparatum in Infortiatum**> aç. (fol. 6rb); bo. (fol. 31vb, 46rb, et passim); Io. de su. (fol. 88vb).

Cat. Dolezalek, *Verzeichnis* 2. **Bibl.** Mercati, 'Altri codici' 494, Sella, *Sigle*.

Text and apparatus are in Gothic bookhands in brown ink. The gloss is by at least two hands which

alternate. One keyed the gloss with a system of symbols; the other used letters. The sporadic additions are in several hands. The books were intended to begin with 'Vlpianus', the 'V' in blue and red with penwork decoration and the rest of the name in display script of alternating elongated blue and red letters. But some lack the 'V', while blank spaces were left for other copies of the word. Capitals are red or blue with penwork decoration in the contrasting color. Rubrics are red; paragraph marks alternate red and blue. Running titles are composed of 'L' and the book number in red and blue. Fol. 1 is a small slip of paper bound into the MS at a later date. The following notes appear on fol. 3r: 'Istud infortiatum pro ducatis vii' and 'Inforciatum'; fol. 246r has 'Ego fr. Nicolaus /// sacri conuentus Ass. manu propria signauit'. Catchwords vary in placement; some are cut away. The MS has a non-Vatican quarter-leather binding with marbled paper over cardboard covers. Fol. 4v is blank except for 'Infortiatum'. Fol. 1v and fol. 246v are blank.

Vat. lat. 11158	saec. XIII.2
------------------------	---------------------

antea cclxxxvii; 154/58 N. 2. **Prov.** Rome, Accademia di Conferenze Storico-Giuridiche; Assisi, Convent of San Francesco O.F.M.
193 fols. memb. 392 (370) x 255 (239) mm, origin Italy. Quaterniones, saec. XIII.2.

fol. 1ra-c <**Tabula titulorum Decretalium**>

fol. 2ra-187ra **Gregorius <IX, Decretales>** (See Vat. lat. 1379 fol. 1ra-295ra for further information.) *Variants:*
(Inscriptio) episcopus ... benedictionem *om.* (Colophon) Libro finito sit laus et gloria Christo. Amen. (**Bibl.** S. Kuttner, 'Notes on the Glossa ordinaria of Bernard of Parma', BMCL 11 (1981) 86-93, using this MS at 89 n. 12 and 91-92.)

fol. 2ra-187-vb <**Bernardus de Botone Parmensis, Glossa ordinaria in Decretales**>
(See Vat. lat. 1379 fol. 1ra-295ra for further information.) *Variants:*
(Finis) Pactionem *pro* Pactiones (**Bibl.** Kuttner-Smalley, 'Glossa Ordinaria' 98 (siglum Ve), saying that this is a pre-1263 version of the text.)

fol. 188ra-191vb <**Innocentius IV, Novellae**> (Collectio III)
(Textus) Presenti decreto duximus prouidendum ne a sede apostolica ... (Finis) offitio suo repellere non postponat (pospoat *cod.*). (**Ed.** Mansi 23.651-74. **Bibl.** Kessler, 'Untersuchungen' I 248, 279(-280) n. 355, 301, detailing the anomalous order of this copy.)

fol. 192va-b <Incertus auctor, **Consilium**>. fragmentum
(Textus) Iohannes Fraiapanus Petrum et Philippum filios habens ... (Finis) Nam seculum hoc ///

Cat. Dolezalek, *Verzeichnis 2*. **Bibl.** Mercati, 'Altri codici' 494.

The main texts were written in several Gothic bookhands in black ink, changing to brown at fol. 88r. Changes of hand, decoration and catchword style are evident at fol. 87v/88r and 131v/132r. The ordinary gloss is in brown ink and is keyed to the Gregorian decretals by a letter code. Sparse notes in the margins include verses at fol. 52rb, 54rb, 60vb (Walther, *Initia* no. 10627), 136vb (Walther no. 2532), and 187va. Fol. 187ra-vb contain moralia, legal notes and a sequence in honor of St. Francis. This last is Chevalier no. 4310, according to Mercati, loc. cit. The individual books open with 'Gregorius' written in red and blue

display capitals. Minor capitals alternate red and blue, occasionally with decoration in the contrasting color. Text capitals are in the margin, inscription capitals usually follow the preceding text but may be in the margin. Rubrics and paragraph marks are red. Running titles appear on fol. 88r-187v. Capitals are lacking after fol. 189r; rubrics are lacking from fol. 188r. Gatherings are marked on first folio recto and last folio verso with Roman numerals in a decorative circle. At fol. 191v the following note appears: 'In isto libro omnes quaterni sunt xxv. Duo folia in principio et in fine sine scriptura'. This is in the same hand as the gathering markings. Catchwords, at lower right, are plain to fol. 88, decorated thereafter. Some have been damaged by trimming. Fol. 1r, 192r, and 193r-v are blank. The MS has a modern quarter-leather binding over wood boards finished with marbled paper.

Vat. lat. 11159	saec. XIII
------------------------	-------------------

antea B.III.18. **Prov.** Mario Marefoschi, card. 1770-1780.

72 fols. memb. 355 (235) x 249 (215) mm, origin Italy. Quaterniones, saec. XIII.

fol. 1ra-72vb <**Justinianus, Institutiones**>, imperfectae (Inst. 1.2.1 in med.-4.17.6 in med.)
(Textus) /// homines constituit id apud omnes gentes ... (fol. 72rb) (Finis) distingui agros commodius sit /// (**Ed.** and **Bibl.** See Vat. lat. 1432 fol. 1ra-78rb.)

fol. 1ra-72vb <**Accursius, Glossa ordinaria in Institutiones**>, imperfecta (Inst. 1.2.1-4.17.2 in med.)
(Lemma primum) <*Vtuntur*> Vt est religio erga Deum ... (fol. 72rb) (Lemma ultimum) <*Cum fructibus*>: ... (Finis) et ff. fini. regun. l. iiii <§ pe. (Dig. 10 .1.4.10) si autem> non separa<uit> /// (**Ed.** and **Bibl.** See Vat. lat. 1432 fol. 1ra-78rb.)

fol. 1ra-72vb, passim <**Additiones ad Glossam ordinariam**> Bar. de cap. (fol. 60ra);
Iohes cusetin' (fol. 33vb).

Bibl. Sella, *Sigle*; D'Amelio, *Indagini* 156.

The MS is in very poor condition because of stains and fire damage. It is written in Gothic bookhand in brown ink by at least two scribes. A change of hand occurs at fol. 16v/17r. The apparatus is keyed to the text with a system of letters. Rubrics are red. Capitals are large and simple, with decoration added to a few. Paragraph signs are red. Catchwords are framed at lower right. Forms of quires vary, but quaternions dominate. Fol. 72 is badly damaged and fol. 72v is nearly illegible. A label attached inside the front cover contains the name 'Marius Marefuschus' and that cardinal's arms, together with the old shelfmark 'B.III.18'. 'Giustiniani Instit. Vat. lat. 11159' was written on it later. The MS has an old leather and parchment binding.

Vat. lat. 11443	saec. XIII.2; XIV
------------------------	--------------------------

antea Ord i7 n. 35. **Prov.** Pius X (1903-14); Rome, Collegium Romanum S.J.

<I> +121 fols. + <I> memb. 190 (148) x 148 (110) mm, origin Spain; Germany.
Quiniones, saec. XIII.2; XIV.

fol. 1ra-91va **Raymundus <de Pennaforte O.P. (s.)>, Summa de casibus poenitentiae**
(See Vat. lat. 2301 fol. 24ra-287vb for further information.) *Variants:*
(Finis) Amen. *add.* ZZ (Colophon) Explicit summa magistri Raymundi de
penitentia. Deo gratias. Alleluia. (**Bibl.** Bloomfield, *Incipits* no. 5054.)

fol. 91va <**Hugo de S. Victore, De septem vitiis**>, imperfectus
(Textus) <S>eptem capitalia uiccia siue principalia siue originalia sacra (*om.*
cod.) scriptura commemorat ... (Finis) inquantum ab accu (in *add. cod.*) iniquitatis
coibetur. (**Ed.** PL. 176.525. **Bibl.** Bloomfield, *Incipits* no. 5431.)

fol. 92ra-va <Incertus auctor>, **Tractatus de omissionibus vel negligentis circa missam commissis**
(Rubrica) Incipit tractatus de omissionibus uel negligenciis circa missam
commissis. (Textus) Restat nunc uidere de omissionibus uel negligentis que circa
missam solent contingere ... (Finis) ut supra in alio casu proximo.

fol. 92va-110vb <**Raymundus de Pennaforte O.P. (s.)>, Summa de matrimonio** (See
Vat. lat. 2301 fol. 287vb-333vb for further information.) *Variants:*
(Finis) ut ff. (C. *cod.*) de inpensis in rebus dotalibus factis l. i (Dig. 25.1.1).
Voluptarias uero perdit sicut ibi dicitur. (Colophon) Explicit hoc opus hic. (**Ed.**
This copy lacks the portion of text described in the Ochoa-Díez edition at 998 as
'Conclusio'.)

fol. 111ra-120vb <Incertus auctor>, **Interrogatorium**
(Rubrica) Incipit interrogatorium penitentie qualiter sacerdos penitentem
interrogare debet scilicet de omnibus. (Textus) Primus est si sacerdos est hereticus
uel scismaticus ... (Finis) et restituo sacramentis ecclesie. In nomine Patris et Filii
et Spiritus sancti. Amen.

fol. 121ra <**Breviarium Romanum**, excerptum> (Officium matutini passionis)

Cat. Ruyschaert 57-58.

The MS falls into two main sections. Fol. 1ra-91va contain one text in several late 13th-century Spanish Gothic bookhands in brown ink. Fol. 92ra-120vb contain three texts in several 14th-century Germanic Gothic bookhands in brown ink. The two parts are connected by a stamped numeration. The excerpts at fol. 91va and 121ra were added later in other hands. Rubrics, capitals and paragraph signs are red. At <I>r is stamped: 'Dono di Pio X'. Several largely illegible notes are on the same page. Catchwords are framed at lower right in part one. There is a remnant of one at fol. 116vb in part two. The MS has a 20th-century cloth and parchment binding. <I>v and fol. 121v-<+I>v are blank.

Vat. lat. 11450	saec. XV
------------------------	-----------------

Prov. Pius X (1903-14); P. Beckx S.J.; Rome, Collegium Romanum S.J.
<I> +135 fols.-65 + <I> chart. 177 (129) x 114 (80) mm, origin Italy. Seniones, saec.

XV.

fol. 1r-85r <Incertus auctor, forsan **Berengarius Fredoli, Summula in foro poenitentiali**> (Versio A aucta), imperfecta
(Textus) /// religiosus disolutus et secularis ypocrita ... (Finis) sacrario idest in sacro loco recondantur. (Colophon) Explicit summa uitiorum (*sic*). Deo gratias. Laus tibi Christe. Explicit liber iste. (*al. man.*) Dextera scriptoris careat grauitate doloris. (**Bibl.** Bloomfield, *Incipits* no. 4953, giving the incipit of Part III at fol. 22v; P. Michaud-Quantin, 'La "Summula in foro poenitentiali" attribuée à Berengar Fredol', SG 11 (1967) 146-67 at 167. This copy omits three chapters between *De prephatione* and *De die Dominica observanda*. After *De die Dominica observanda* (fol. 74r = Vat. lat. 4614 fol. 49v) the chapters do not match those of any other Vatican MS of this work.)

fol. 92r-134r **Johannes <de Friburgo> O.P., Confessionale** (See Vat lat. 2304 fol. 377ra-388vb for further information.) *Variants:*
(Rubrica) Ordinis fratrum predicatorum *om.* (Colophon) Amen. Deo gratias. Explicit confessionale fratris Iohannis Theotonici de ordine fratrum predicatorum. (Explicit ... predicatorum *bis*) (**Bibl.** Kaeppeli, *Scriptores* II 435 no. 2346.)

fol. 134v-135r <**Tabula capitulorum Summulae**>

Cat. Ruyschaert 75-76, listing past owners.

The MS is written in a late Gothic cursive hand in gray-black ink. Its original first 4 folia are lacking. The text of the *Summula* jumps without a break from fol. 64r to fol. 66v. Rubrics are red. Capitals and paragraph signs are in red or blue with highlights in yellow. The colophon at fol. 135r was written in blue. Some of the old folio numbers were done in red. Notes on contents appear inside the cover and on <I>r. Each work has its own numeration; but the modern stamped, continuous one has been followed here. Fol. 23 is damaged. For the watermarks, cf. Briquet no. 15623. Catchwords are decorated, framed, and centered. The MS has a 19th-century non-Vatican paper and parchment binding. <I>v, fol. 64v-66r, 85v-91v, and 135v-<+l>v are blank.

Vat. lat. 11456	saec. XIVmed.
------------------------	----------------------

96 fols. chart. 212 (141) x 150 (87) mm, origin Italy. Seniones, saec. XIVmed.

fol. 1r-90r <Incertus auctor, forsan **Berengarius Fredoli, Summula in foro poenitentiali**> (Versio A aucta), imperfecta
(Rubrica) Summula <in foro penitentiali breuis et> utilis et ualde necessaria <maxime> sacerdotibus (sacerdos^{ac}) super hoc [ne] /// noticiam non habentibus.
(Textus) In primis debet sacerdos interrogare penitentem utrum sciat 'Pater noster' ... (Finis) Hii latine dicuntur ministri quia sicut in sacerdote consecra/// (This copy, as far as tit. *De pace* of Part IV (fol. 72v = fol. 48v of Vat. lat. 4614, a complete copy of the *Summula*) is a normal text of Version A. Other materials were copied by the scribe thereafter up to the abrupt end in tit. *De diaconibus*.

Bibl. Bloomfield, *Incipits* no. 2625; P. Michaud-Quantin, 'La "Summula in foro poenitentiali" attribuée à Berengar Fredol,' SG 11 (1967) 146-67 at 167.)

- fol. 90r <Incertus auctor, **Versus de ordine legendi libros Bibliae**>
(Rubrica) Infrascripti uersus sunt designantes libros et tempora quando debeamus legere per totum annum distinguit. (Textus) Septus fit lege quod Deus cuncta creauit fecit ... (Finis) sic fine quiesce.
- fol. 90v-92v <**Tabula rubricarum Summulae in foro poenitentiali**>
(Folio numbers have been added, probably in the same hand as the numbers on the reverse of each folio.)
- fol. 93r-v <Incertus auctor, **Tractatus de luna**> (Italice)
(Rubrica) A trovare la luna. (Textus) Quando uuoli trovare la luna tiene questo modo ... (Finis) ell auro numero nuovo si cominça in kalende di março.
- fol. 93v <**Adnotationes de numero aureo**>
- fol. 94r <Incertus auctor, **Versus**>
(Invocatio) In nomine Domini. Amen. (Rubrica) Anno Domini millesimo ccc xli. (Textus) Esse grauem nobis bello ... (Finis) inueniens cum religiosis. (This verse deals with the years 1345-1346.)
- fol. 94r <**Adnotationes ad inveniendum pascham**>
- fol. 94v <Incertus auctor, **Tractatus de circumstantiis peccatorum**> (Italice)
(Invocatio) In Christo. (Rubrica) Dieeci circumstantie che agrauano el peccato. Prima 1. (Textus) La prima circumstantia sie el tempo ... (Finis) la suo (*sic*) natura lo'nchina. (Colophon) Deo gratias. Amen. 'Domine in mente me habe dum ueneris in regnum tuum' (Lc 23.42).
- fol. 95r <**Adnotatio de monachis vagantibus**>
- fol. 95v <**Adnotationes variae**>
- fol. 96r <**Tabula paschalis** (Latine) **cum adnotatione**> (Italice).
(Later hands have added references to the years 1404, 1412, and 1479.)
- fol. 96v <**Adnotationes de dictionibus**>

Cat. Ruyschaert 91-92.

The MS is written in a Gothic bookhand in black ink with additions in several hands at fol. 90r and 93r-96v. Capitals, paragraph marks, and rubrics are red. The old numeration begins 'ii' on fol. 1v of the stamped one at the lower right which is followed here. Notes have been added in several hands over an extended period of time. For the watermarks, cf. Briquet nos. 4036 and 14141. The MS has a paper and parchment binding.

Prov. Rome, Collegium Romanum S.J.; Pius X (1903-1914). **Scr.** Michael Benedicti O.Cist.; Jean Fagot; Giacomo da Volterra; Giacomo Cacia da Novara; F. del Rosal; Johannes Marenchus; Gerardus; Giovanni Antonio de Panigali.
109 fols. memb. 265 (184) x 209 (124) mm, origin Italy (fol. 1-86r: Florence; fol. 86v-109v: Rome). Quiniones, saec. XVmed./XVI.

fol. 1r-8r **Benedictus XII ZZ Const.** *In agro dominico* (See Vat. lat. 2663 fol. 7r-11v for further information.)

fol. 8r-17r **Taxationes <litterarum officii poenitentiariae>** (See Vat. lat. 2663 fol. 11v-16r for further information.) *Variants:*
(Rubrica) Secuntur taxationes litterarum per commissarios cardinales facte.
(Rubrica secunda) Taxationes litterarum. (Finis) pro beneficiato cum irregularite non ultra quam quinque Turonen.

fol. 17r-v **Benedictus XII, Privilegia et stipendia poenitentiariorum** (See Vat. lat. 3994 fol. 18v-19r for further information.)

fol. 17v-21v **<De observantiis poenitentiariorum>** (See Vat. lat. 3994 fol. 19r-23v for further information.)

fol. 21v-22v **<Feriae poenitentiariae>** (See Vat. lat. 2663 fol. 20va-21rb for further information.)

fol. 22v-28v **<Summa de absolutionibus et dispensationibus>** sive **Summa Nicolai IV, cum additionibus** (See Vat. lat. 2663 fol. 34r-38v for further information.)
Variants:
(Rubrica) Sequitur potestas penitentiariorum. (Praefatio) Trescentesimo vicesimo *pro cc^{mo} nonagesimo* <Rubrica textus deest.>

fol. 28v-30r **<Gaucelmus Johannis Deuza, Supplicatio ad Clementem VI, cum rescripto papae>** (See Vat. lat. 2663 fol. 38v-39v for further information.)
Variants:
(Rubrica) Casus sequentes concessit dominus Clemens papa vi^{us}. Nota quod dominus Clemens papa vi^{us} concessit casus infrascriptos domino Gancelmo (*sic*) episcopo Albanensi maiori penitentiario. (Finis) illa *add. post* sine (Rubrica rescripti) Sequitur *praem. ante* uerba; et concessionis eiusdem super predictis casibus. Ista sunt *add. post* scripta (Rescriptum) Gancelmo *pro* Gaucelmo (Finis) nostrum *add. post* officium.

fol. 30r-31v **Forma ad reconciliandum apostatam a fide** (See Vat. lat. 3994 fol. 32v-34r for further information.)

- fol. 31v-32r <**Innocentius IV, Const. Perlectis litteris**> (See Vat. lat. 3994 fol. 34r-v for further information.) *Variants:*
(Rubrica) (Textus) uestras *pro* uestris.
- fol. 32r-36r <**Casus pertinentes ad officium poenitentiariae**> (See Vat. lat. 3994 fol. 34v-40r for further information.)
- fol. 36r-37r <Incertus auctor, **De poenitentibus mittendis ad curiam Romanam**> (See Vat. lat. 3994 fol. 40r-v for further information.) *Variants:*
(Rubrica) de hiis *om.* (Finis) Ni *pro* Si.
- fol. 37r-39v <**Declaratio predictorum versuum**> (See Vat. lat. 3994 fol. 40v-43r for further information.) *Variants:*
(Rubrica) uersuum *om.*
- fol. 39v-45r <**Bonaguida de Aretio, Tractatus de dispensationibus**>, forma brevior
(See Vat. lat. 3994 fol. 43r-49r for further information.)
(Bibl. Izbicki, 'Problems in TUT' 485, listing this MS.)
- fol. 45r-60r **Berengarius Fredoli, <De excommunicatione et interdicto>**, imperfectus
(See Vat. lat. 3994 fol. 49r-64v for further information.) *Variants:*
(Finis) cum similibus aliis multis *om.*
- fol. 60r-62v <**Berengarius Fredoli, De exceptionibus duarum regularum circa iniectionem manuum in clericum**> (See Vat. lat. 3994 fol. 64v-67r for further information.) *Variants:*
(Rubrica) subsequencium *pro* sequentium (Finis) sed *pro* si.
- fol. 62v-66r <**Casus in quibus fertur sententia excommunicationis, interdicti vel aliarum censurarum secundum Constitutiones Clementinas**> (See Vat. lat. 3994 fol. 67r-70v for further information.)
- fol. 66r <**De potestate poenitentiae ab episcopo commissa**> (See Vat. lat. 3994 fol. 70v for further information.)
- fol. 66v-71v <**Casus in quibus sententia vel poena incurritur ipso facto secundum Constitutiones Clementinas**> (See Vat. lat. 3994 fol. 70v-76v for further information.)
- fol. 71v-74r <**Summaria titulorum in Constitutiones Clementinas**> (See Vat. lat. 3994 fol. 76v-78v for further information.) *Variants:*
(Rubrica) De fide catholica. (Textus) Christus fuit mortuus lanceatus anima est.
ZZ Fidei catholice, forma corporis humani ... (Cf. Vat. lat. 5424 fol. 29r-34v.)
- fol. 74r-v <Incertus auctor, **De exceptionibus duarum regularum**> (See Vat. lat. 3994 fol. 78v-79r for further information.)

- fol. 74v-76v **Regulae poenitentiariae**, imperfectae (See Vat. lat. 3994 fol. 79r-81r for further information.)
- fol. 76v-77r <**Memoriale de privilegiis poenitentiariorum minorum, saec. xiv**> (See Vat. lat. 3994 fol. 81r-v for further information.) *Variants:*
(Textus) Pontificatus sanctissimi in Christo patris domini nostri pape Gregorii vi^{ti} (*rectius* xi) anno quarto *add. post* quarto.
- fol. 77r-78r <**Excommunicationes papae reservatae**> (See Vat. lat. 3994 fol. 81v-82v for further information.)
- fol. 78r-79r **Clemens V, Const. Ne Romani** (Clem. 1.2.3).
(For the introductory rubric, cf. Vat. lat. 3994 fol. 82v.)
- fol. 79r-80v **Eugenius IV, Const. Ad sacram Petri sedem** (16 oct. 1435) (See Vat. lat. 3994 fol. 93v-85r for further information.)
- fol. 80v-82v <**Jordanus de Ursinis, Ordinationes super receptione poenitentiariorum**> (See Vat. lat. 3994 fol. 85r-87r for further information.)
Variants:
(Rubrica) reuerendissimi domini, domini Jordanis de Ursinis miseratione diuina episcopi Sabinensis cardinalis ac maioris penitentiarii domini pape Eugenii iiii^{ti} *add. post* ordinatio (Finis) undecim *om.*
- fol. 82v-83v **Eugenius IV, Const. Devotionis vestrae sinceritas** (16 oct. 1435) (See Vat. lat. 3994 fol. 87r-v for further information.) *Variants:*
(Rubrica) secuntur *pro* sequitur.
- fol. 83v-84v **Eugenius IV, Const. Prudens pater familias** (14 iun. 1438) (See Vat. lat. 3994 fol. 87v-88v for further information.)
- fol. 84v-85v <**Forma bullarum receptionis poenitentiariorum**> (See Vat. lat. 3994 fol. 89r-90r for further information.)
- fol. 85v-86r **Forma litterae quae conceditur poenitentario minori** (See Vat. lat. 3994 fol. 90r-v for further information.) *Variants:*
(Colophon) Laus tibi sit Christe (*sic*) nam liber explicit iste. (Colophon secundus) Ad mandatum Reuerendorum dominorum penitenciariorum minorum domini nostri pape ego minimus frater Michael benedicti ordinis cisterciensis transcripsi formulare istud ab antiquo officii penitenciariorum formulario fideliter integre et complete Florentie anno Domini m^o cccc^o xl die xxiii Septembris pontificatus domini nostri domini Eugenii pape iiii^{ti} anno decimo. Existente priore penitenciariorum fratre Rodolpho Johannis de ciuitate Castelli. (**Ed.** The second colophon is printed at Ruysschaert 136.)

fol. 86v-87r **Sixtus IV, Const. Provida Romani pontificis** (1 nov. 1473) (See Vat. lat. 5424 fol. 186v-190r for further information.) *Variants:*
(Notationes) Sine taxa *om.*; Collationata B. *om.*; Res. ber. zu^{ta} *add.*

fol. 87v-89r **Philippus Calandrinus, Statuta collegii poenitentiariae** (See Vat. lat. 5424 fol. 190v-196v for further information.)
(The scribe of the text left the lower part of fol. 88v blank for the *subscriptio* of Johannes Antonius de Panigali, who left space for but never added his notarial sign.)

fol. 89r **Julianus de Rovere** postea Julius II, **Mandatum ad minores poenitentarios** (26 mar. 1490) (See Vat. lat. 5424 fol. 229v-230r for further information.)

fol. 89r <**Nota**>
(Textus) Cum de aliqua re ad collegium poenitenciariorum pertinente ... (Finis) tunc erant septem (*Add. al. man.*) Sed hoc in contra statutum anticum. (This piece and the one preceding were later additions to the folio.)

fol. 89v <**Nota de pecunia poenitentiariis numerata pro valore vestimentorum post mortem Sixti PP IV**> (See Vat. lat. 5424 fol. 197v-198v for further information.)
Variants:
(Textus) Anno *om.*; etc. *add. ante* die (Epilogus) Brunus *add. post* etc.

fol. 90r-91r **Leonardus <Grossus de Rovere, Statuta collegii poenitenciariorum>** (23 apr. 1518) (See Vat. lat. 6347 fol. 211r-213r for further information.)
(The *subscriptio* is in the hand of Johannes Marenchus, clericus Astensis diocesis, and is accompanied by his notarial sign.)

fol. 91v-92r **Leo X, Motu proprio ZZ** (13 aug. 1520) (See Vat. lat. 6347 fol. 213v-214r for further information.)

fol. 92r <**Juramentum poenitenciariorum**> (See Vat. lat. 6347 fol. 214r-v for further information.)

fol. 92v **Leo X, Const. Ex debito** (23 aug. 1517) (See Vat. lat. 5424 fol. 231r-233v for further information.)

fol. 93r-95v <**De infirmitate et de obitu papae**> (See Vat. lat. 5424 fol. 198v-208v for further information.) *Variants:*
(Rubrica) nostri *add. post* domini (Textus) quod *pro* que (As in Vat. lat. 6347 fol. 220r (q.v.), the colophon continues: 'cuius mandati tenor sequitur et est prout infra: R. sancti Georgii diaconus cardinalis ... signata (?) per notarium prefati domini cardinalis Phy. de Pontecorvo'.)

fol. 96r-v <**Nota de pecunia poenitentiariis numerata pro valore vestimentorum post mortem Innocentii VIII**> (See Vat. lat. 5424 fol. 211r-212v for further information.)

information.)

fol. 96v-97r **Innocentius VIII, Const. *Super familiam*** (24 oct. 1486) (See Vat. lat. 5424 fol. 209r-211r for further information.)

fol. 97r <**Jacobus Caccia (?)**, **Nota de electione Alexandri VI**> (See Vat. lat. 5424 fol. 212v for further information.) *Variants:*
(Colophon) Et die ... lateranensis *add. al. man.*

fol. 97v-100v **Alexander VI, <Epistolae ad poenitentiariis de anno jubilei>** (See Vat. lat. 5424 fol. 212v-229v for further information.)

fol. 101r-104r **Julius III, ZZ Const. *Pastoralis officii*** (1 mar. 1552) (See Vat. lat. 6347 fol. 230r-234v for further information.) *Variants:*
(Subscriptio) Et quia ego Ioannes Fagot clericus senonensis diocesis ... in fidem et testimonium premissorum requisitus.

fol. 104r-v **Gregorius XXI, <Litterae pontificiae jubilei pro civitate et diocesi Mediolanensi>**
(Rubrica) Littere Gregorii xiii concessionis iubilei extra urbem post annum 1575.
(Inscriptio) Gregorius papa xiii uniuersis Christi fidelibus ... salutem etc. Saluator noster Dominus Iesus Christus Dei filius, cuius licet immeriti uices in terris gerimus ... (Finis) proxime futurae exclusiue (inclusiue *ed.*) dumtaxat ualituris.
Datum Rome apud sanctum Petrum sub anulo piscatoris die **xx** ianuarii MDLXXVI pontificatus nostri anno quarto. (**Ed.** Acta ecclesiae Mediolanensis ab eius initiis usque ad nostram aetatem, ed. A. Ratti 4 vols. (Mediolani 1890-99) III 513-15.)

fol. 106r-107v <**Tabula codicis**>
(The last entry, for the letter of Julius III on fol. 101r-104r, was added by a later hand.)

Cat. Ruyschaert 132-38. **Bibl.** E. Carusi in review of Göller, *Archivio storico italiano* 72 (1914) 96-101 at 97-98, describing this MS, which had not yet been assigned a shelfmark, and noting its similarity to Vat. lat. 3994. (Haskins, 'Papal penitentiary' notes at 247 n. 19 a colophon in University of Rome MS 119 fol. 87 which matches that on fol. 86r here.)

The MS, written throughout in gray to black ink, consists of two distinct sections: an integral copy of a minor penitentiary's manual of the mid-15th-century (fol. 1r-86r) and additions made to it at various times down to the last quarter of the 16th-century (fol. 86v-107v). The first section is written in the neat late Gothic bookhand of the Florentine Cistercian Michael Benedicti (cf. his colophon at fol. 86r). Capitals alternate red and blue; two large initials on fol. 1r are in both colors, with elaborate filigree decoration. Capitals in the text are often slashed or filled with yellow or red and yellow. Rubrics are red; paragraph signs alternate red and blue. There are occasional notes and corrections in several hands. Catchwords in this section are centered and lightly decorated.

The second section is written in many hands, mostly cursive and notarial scripts. There is no color except at

fol. 101r-104r, where the opening initial has a simple colored ground, and touches of color were added to capitals and paragraph signs. At two places notarial attestations and signs appear, on fol. 91r (Johannes Marenchus, dioc. Astensis) and on fol. 104v (Johannes Fagot clericus senonensis diocesis); on fol. 88v the attestation of Johannes Antonius de Panigali appears without his sign. Catchwords occur only on fol. 101v-104v of this section, where they are vertical along the inner margin line. The arrangement and variations of the texts closely resemble those of Vat. lat. 6347 fol. 102r-234v, of which this manuscript may be an older relative. Fol. 108r is blank except for the note 'Prioris electio ... 88' and an old foliation number. The modern stamped foliation is followed here; the handwritten foliation skips from 92 to 98 (the modern fol. 108 bears the old number 96, indicating that the original order has been disturbed). The edges of the MS are gilded. On the inside front cover are several labels: 'Tabula seu inuentarium contentorum in hoc libro est in fine' (in a hand contemporary with the later ones in the MS); 'Formularium poenitentiariorum, seu statuta et ordinationes circa officium Poenitentiariae', and 'Codex membranae, in fol. p^o Ms. saec. ... In fine addita sunt alia ad eandem rem poenitentiariae pertinentia. Constat foliis scriptis 107'; and 'Dono di Pio X' (20th-century, stamped). The MS has a 20th-century blue leather binding which incorporates part of an old binding with elaborate gold decoration. Fol. 105r-v, and 108v-109v are blank.

Vat. lat. 11501

saec. XV med.

Prov. Pius X (1903-14); Rome, Collegium Romanum S.J.; Girolamo Lione; 'Micalangelo'; Jacobus Andreae de S. Eugenia (?).

317 fols. chart. (memb.: fol. 304, 306) 292 (222) x 218 (125) mm, origin Italy (Perugia?). Quiniones, saec. XVmed.

fol. 1r-303v <**Benedictus de Benedictis, Lectura in Librum sextum**> (Lib. III-V)
 (Rubrica) <D>e uita et honestate clericorum. Rubrica. (Texcus) <N>ota ex ista rubrica differentiam inter uitam et honestatem clericorum ... (Lemma primum)
Clerici ZZ <q>ui: Glossa i. summat et duo membra distinguit ... (Lemma ultimum) <F>actum legitime: ... (Finis) et uide no. per Bartolum in l. Dapnum § Sabini (Dig. 39.2.18.11 i.p.) ff. de dapno infecto et in l. iii § Lege Iulia (Dig. 22.5.3.5) ff. de testi. et in l. Ad testium § 1 (Dig. 28.1.22.1) ff. de testa. et in clementina una de off. deleg. (Clem. 1.8.1). (**Bibl.** Schulte, *Geschichte* II 344-45.)

fol. 304ra-vb <**Gregorius IX, Decretales**>, fragmentum (X 1.5.1 in prin.-1.6.14 in med.)
 (This leaf is written in a 13th-century French gothic bookhand in brown ink, and extensive *notabilia* have been added at the bottoms of columns. The marginalia has been partially cut away on the upper and outer edges.)

fol. 305r-v **Petrus Leonardi de S. Eugenia**, <**Epistolae duae ad Jacobum Andreae de S. Eugenia**> (Italice)
 (The first of the letters, which are arrange side by side, was written in Perugia. Both are in a late cursive bookhand, possibly that of Petrus Leonardi, in black ink.)

fol. 306r <Papa incertus, **Bulla**>, fragmentum
 (This document is written in a 14th-century French chancery cursive in brown ink.)

fol. 307ra-313v <**Panormitanus, Lectura in Decretales**>, fragmenta (Lib. V: 5.1.1-

5.1.14)

(Textus) <Hec rubrica> continuatur duobus modis. Primo ad precedentia, secundo ad sequentia ... (Lemma primum) <S>*i legitimus*: De persona [accusa] accusatoris inquirendum est (prius est querendum *ed.*) in iudicio ... (fol. 312vb) (Lemma ultimum) *Licet in beato*: ... (Finis) ///are eorum p<roprium> prelatum /// (**Ed.** Panormitanus, *Decr. comm.* VIII fol. 1ra-6ra Fol. 313 is an unattached fragment of text found in the edition at fol. 4. The text is written in a late Gothic cursive bookhand in black ink.)

fol. 314r-317v (*rectius* 314v-r, 317r-v, 316r-v, 315v-r) <Incertus auctor, **Lectura in Institutiones**>, fragmenta (Inst 2.11.1-2.11.6, 2.12.1-2.14.6 (i.p.), ca. 4.1.19(20)). (Lemma primum) <Pl>*ane*. Testamentum celeb/// /// ... (Lemma ultimum) <Furti:> ... sed reu/// ///catio. (These fragments are written in a late Gothic cursive in black ink.)

Cat. Ruyschaert 144-46.

The main text is in a late humanistic cursive in black ink. Lemmata are in large dark, uneven letters, the ink of which has often bled through the paper. Many blank spaces have been left for lemmata. The MS was sparsely annotated by the scribe. Five folia have been cut away between fol. 264 and 265 (Sext. 5.12.5-5.13.5). The MS has been restored, the fragments at fol. 304-317 being remnants extracted from a previous binding and mounted on new leaves. Ruyschaert contends that Jacobus Andreae de S. Eugenia, a pupil of Benedictus de Benedictis, was the first owner. The ex libris 'Liber e de messer Micalagelo dato messer Girolamo Lione' appears at fol. 303v. At fol. 307r is stamped, 'Dono di Pio X'. Two notes on contents are pasted inside the front cover. Catchwords are centered. For the watermarks of the main text, cf. Briquet no. 7564. The MS has a mid-20th-century quarter parchment and cloth binding, with remnants of the old binding glued to the inside front cover. Fol. 60v is blank.

Vat. lat. 11502	saec. XV
------------------------	-----------------

antea 1259. **Prov.** Pius X (1903-14); P. Beckx S.J.; Rome, Collegium Romanum S.J.
117 fols. chart. 284 (177) x 215 (100) mm, origin Italy. Quiniones, saec. XV.

fol. 1r-103r **Bernardus Papiensis, Summa Decretalium** (See Vat. lat. 2691 fol. 21ra-44vb for further information.) *Variants*:

<Invocatio et rubrica prima desunt.> (Rubrica secunda) magistri *praem. ante* Bernardi; episcopi *om.* (Proemium *add.*) In Christi nomine. Libellus extrauagantium a maiori parte ... (**Bibl.** Kuttner, *Repertorium* 462.)

fol. 107r-114r <**Tabula sessionum 1-37 concilii Constantiensis (1414-1418)**>

(Textus) Introitus domini Iohannis pape uicesimi tertii ... (Finis) Littera quedam de materia super articulis Boemorum.

fol. 1 15r <**Concilium Constantiense (1414-1418), Acta**>, fragmentum

(Rubrica) Acta generalis concilii Constantiensis presidente papa Io. xxiii (xxxiii^{ac}) usquequo etc. In fine presidet Martinus quintus. (Invocatio) In nomine sancte et individue Trinitatis. (Textus) Hic liber continet ordinationes ... (Finis) et diebus

inferius annotatis. (**Ed.** Mansi 27.531.)

fol. 115r-116v <**Guillelmus Fillastre, Gesta concilii Constantiensis**>, fragmentum
(Textus) Origo generalis concilii Constantiensis ... (Finis) fore conuocandum.
Idemque predecessor /// (*ed.* II 13-15.) (**Ed.** and **Bibl.** See Vat. lat. 7297 fol. 3r-
22r and 36r-38v.)

Cat. Ruyschaert 146-147.

The codex is a composite of two manuscripts, the *Summa* and the Constance material. The *Summa* is in a Gothic cursive hand in brown ink, with very occasional scribal corrections. A 17th-century hand added extensive notabilia and corrections, as well as cross-references to the *Liber extra* in an *Italic* script. The text is in small blocks, as if an apparatus were expected. Rubrics and running titles are red. Space was left at the beginning for a large initial, and there were to be smaller ones for chapters and later books; these are sometimes present in draft. Catchwords are vertical at the right edge of the text. For the watermarks, see Briquet no. 12147.

The table and the fragment of Fillastre, etc., are in different gothic cursive hands, in black ink. The table has flourished initials, and the first words are in display script; folio reference numbers are missing. The acts begin with a very elaborately flourished initial, Fillastre's work with a slightly smaller one; here too first words are in display script. There are no catchwords. For the watermark, cf. Briquet no. 7697. A small slip attached to the inside front cover has a modern note on the codex's contents, the stamp 'Dono di Pio X', and an ownership note of P. Beckx S.J., provost of the Collegium Romanum. A title and former shelfmark are written on the partly restored binding of the back cover by the same hand that annotated many other Vatican codices; see Ruyschaert 152. The binding is parchment over cardboard with remnants of ties. On the spine is the former shelfmark '1259'. Fol. 103v-106v, 114v, and 117v are blank.

Vat. lat. 11503	saec. XV (1427)
------------------------	------------------------

Prov. Pius X (1903-14); Rome, Collegium Romanum S.J.; Johannes Baptista Coccino, auditor S.R. Rotae 1600-41, Mattheus de Grandis, later archdeacon of Syracuse. **Scr.** Mattheus de Grandis.

442 fols. chart. 292 (205) x 215 (135) mm, origin Italy (Padua). Quiniones, saec. XV (1427).

fol. 3ra-4rc <**Tabula alphabetica capitulorum Commentarii Prosdocimi**>

fol. 8r <**Matthaeus de Grandis, Tabula expensarum in gradibus Academiae Paduae**>
(**Ed.** J. le Goff, 'Dépenses universitaires à Padoue au XVe siècle', *Mélanges d'archéologie et d'histoire* 68 (1956) 377-95, editing the table at 392-93, of which he also gives plates, and describing de Grandis's career at 386-87.)

fol. 9r-442r **Prosdocimus de Comitibus et Bartholomaeus de Zabarella, Commentarius in II librum Decretalium**

(Invocatio) In nomine Domini eiusque gloriose uirginis matris Marie nec non beate Lucie uirginis et beati Iohannis euangeliste amen. (Rubrica) De testibus et actestacionibus. Rubrica. (Textus) Hec rubrica continuatur ad precedentes hoc ordine ... *Placuit*: Testes non ydonei non recipiuntur. Et sunt non ydonei ...

(Finis) glose omnes textuales sunt. Non habetis hic alia. (Colophon) Sequitur Deo gratias amen. Explicit secunda pars super secundo libro Decretalium sub domino Prosdocimo de Comitibus de Padua utriusque iuris doctore per Matheum de Grand. anno Domini M. cccc. xxvii. mense iulii. x^o eiusdem v^e. indictionis in Padua. Durant autem scripta domini Prosdocimi usque ad c. *Si iustus metus* de appell. (X 2.28.73) quod est c. finale. Ab illo c. usque ad finem huius uoluminis sunt dicta domini Bartholomei de Zabbarellis prothonotarii sedis apostolice. Et uterque eorum uocat dominum suum dominum Franciscum de Zabbarellis cardinalem. (**Bibl.** Schulte, *Geschichte* II 299 on Prosdocimus; Diplovatatus, *Declaris iuris consultis* II 404 on Bartholomaeus, neither mentioning Bartholomaeus's additions. Bartholomaeus is listed as auditor in the audintia litterarum contradictarum from 1434 until 1445 in W. v. Hofmann, *Forschungen zur Geschichte der kurialen Behörden vom Schisma bis zur Reformation*. 2 vols. (Rom 1914) II 76.)

fol. 9r-442r, passim <**Additiones ad Commentarium Prosdocimi**> doc. (fol. 88r); fran. de zab. (fol. 153v); fran. de zabba. (fol. 153v); Innoc. (fol. 60v); Io. an. (fol. 94r); jo. de ymola (fol. 283r); m. (fol. 62r); m.g. (fol. 283r); marcus de zacis (fol. 198r); marcus de zaccis (fol. 197v); raf. de raymundis (fol. 56r); raphael fulgosius (fol. 100r).

Cat. Ruysschaert 148-49. **Bibl.** A. Romano, *'Legum doctores' e cultura giuridica nella Sicilia Aragonesa* (Università degli Studi di Messina, Studi Giuridici 4; Milano 1984) describing the MS and giving notes on the provenance at 327-28, discussing it at 176-77 and nn. 65-66, and discussig the career of Matthaueus de Grandis, passim.

The text of the Commentary is in a Gothic cursive hand, in ink ranging from dark brown to black. Rubrics and the first words of chapters are in display script. Most of the additions are in Matthaueus de Grandis's hand. On fol. 180r he wrote 'Hec non recitantur per dominum Prosdocimum in lectura sua sed repperi ea in margine cuiusdam decretalis. M.'; on fol. 241v he wrote at the end of a gloss 'hec additio non est in lectura domini Prosdocimi sed in suis recollectis antiquis ponitur. M.'; and on fol. 283r he wrote 'ego uidi Bononie scripta domini Io. de ymola m.g.' Two other 15th-century hands very occasionally added, respectively, very short additions and notabilia. The table at the beginning of the codex, which includes the last few titles that are said to be by Bartholomaeus de Zabarella, is in a heavy Italic hand of the 17th or 18th-century. On the inside front cover a slip was pasted in with a modern note on the codex's contents, and the stamp 'Dono di Pio X'. Fol. 1r-v contains a decision of J.B. Coccino, auditor of the Rota (1600-41), from 26 May 1625 (**Ed.** D. Zaulis, *Decisiones S. Rotae Romanae coram ... D. Ioanne Baptista Coccino* 3 (Romae 1672]) 439 [unseen]. Fol. 7r contains excerpts from Juvenal (*Satyr.* 10.241-45 and 258-72) in a Gothic cursive hand, and then, each in a different hand, these notes: 'Secunda pars secundi P. episcopi Syracusani'; 'Secunda pars Sechundi domini Prosdocimi de Padua'; 'Morello Morelli'. There are also a few *probationes pennae*. In the upper margin of fol. 8r an early modern hand wrote 'no 199'. Fol. 7-8 are torn, slightly mutilating the table of expenses. Fol. 42 is a smaller sheet inserted by the scribe for a supplementation. In the upper right corner of fol. 8 is an old folio number, 2, and the present fol. 9-442 have a defective older system extending from 5 to 447. At the beginning of the commentary there are also traces of an old Roman numeral foliation system in the lower right corner where the present 9=ix. Catchwords are at the lower right. For the watermarks, cf. Briquet no. 11969. The parchment binding has recently been restored. Fol. 2r-v, 4v-6v, 7v, 8v, 442r, and 442v are blank.

Prov. Pius X (1903-14); P. Beckx S.J.; Rome, Collegium Romanum S.J.; Forcius of Auch (1321-). canon of Carcassone; Peter Barrani of Montréal (1321-).

<I> +107 fols memb. 232 (178) x 162 (122) mm, origin Southern France (?).

Quaterniones, saec. XIII.

fol. 1ra-7rb <Incertus auctor, **Ordo iudiciarius 'Parvus ordinarius'**>

(Textus) Quoniam (Quia *ed.*) causarum decisio per iudiciem debet terminari ...

(Finis) eorum que in iure petebantur decidi iustitia mediante. (Colophon) Explicit libellus de facto. (**Ed.** L. Wahrmund 'Der "Parvus ordinarius",' AKKR 81 (1901)

3-37 and 195-222, not using this MS. **Bibl.** Fowler-Magerl, *Ordo* 149-51

(mentioning this MS) and passim. This is in a Gothic hand and has no corrections.

It begins with a red and blue initial with a long tail in the margin; otherwise decoration consists only of paragraph signs. There are substantial glosses and one *notabilium* in two different contemporary cursive hands. Margins have frequent drolleries, often to signal *notabilia* in the text.)

fol. 1ra-7rb, passim <Auctores varii, **Glossae in ordinem iudicarium 'Parvus ordinarius'**>, inter alia, jo. (fol. 6va).

fol. 7va-11ra <**Guido Fava, Dictamina rhetorica**>, fragmentum (dict. 155-220)

(Textus) Fratri uero in Christo suis meritis ... (Finis) iniuriam patienti. Huius rei sunt testes, etc. (**Ed.** A. Gaudenzi in *Il Propugnatore*, n. s. H 5/1 (1892) 86-129, and 5/2 (1892) 58-109 [unseen], not using this MS. **Bibl.** Idem, 'Sulle opere dei dettatori bolognesi', *Bullettino dell'Istituto storico italiano* 14 (1895) 118-50, esp. 129-38. This is in the same hand as the preceding, but capitals and paragraph marks were never entered, the former are present in draft form. There are a few corrections in a contemporary hand.)

fol. 11ra-vb <**Guido Fava, Exordia**>, fragmentum

(Textus) Ordo rationis expostulat ut amicorum (*ed.* 319) ... (Finis) ancillari debeat seruienti de tributo. (**Ed.** O. Redlich, 'Eine Wiener Briefsammlung', *Mittheilungen aus dem vaticanischen Archive* 2 (1894) 317-77. The MS diverges from the edition, beginning at MS fol. 11ra line 13 from the bottom = *ed.* 320 no. 78, but the antepenultimate exordium is found in the edition at p. 323, no. 140. The last two are not there. This work continues in the same hand as the preceding, without any break. Likewise there is no decoration until fol. 11v, where there are small decorative capitals added by a later hand, the most elaborate saved for last. There are no corrections or marginalia.)

fol. 12ra-16vb **Innocentius IV**, <**Novellae**, idest Collectio in 37 numeros divisa et extravag. *Non solum* (Po. 11416-17 = Sext. 3.14.2)>

(Inscriptio) Innocentius iiii in concilio Lugdunensi. (Rubrica) De rescriptis.

(Textus) Cum in multis iuris articulis infinitas reprobetur ... (Finis) aliis defensionibus seu iuribus parzium derogari. (**Ed.** Mansi 23.651-74 passim, which includes *Non solum*. **Bibl.** On the Coll. in 37 Numbers, see Kuttner,

'Decretalistica' 446-47 and Kessler, 'Untersuchungen' I 250-57. Ruyschaert seems to have made the first identification of this copy. The four additional *novellae* come at the end and run, using the numbers assigned by Kuttner in 'Decretalistica', 32, 28, 29, 41. *Non solum* is on fol. 14rb-va between 27 and 30 (= Coll. II 6 and 7). This is probably in a different Gothic hand and has occasional corrections by the scribe and two or three contemporary hands. Rubrics are in a Gothic cursive hand. At the beginning there is an initial with elaborate penwork decoration, and there are smaller ones for chapters. Inscriptions, rubrics, and sections within the decretals have decorative paragraph marks. In the upper margin of fol. 12r, in a cursive hand, is added the introductory bull of Coll. I, *Cum nuper* (Mansi 651) (with 'studentibus' for 'commorantibus' and 'Ludgunensi' for 'generali'), with 'Idem in eodem' at the end despite the inscription just below.)

fol. 16vb <Incertus auctor, **Nota de trinubio Annae**>

(Textus) Anna iii. maritos habuit ... (Finis) Iacobum maiorem et Iohannem Euangelistam. (**Bibl.** M. Förster, 'Die Legende vom Trinubium der hl. Anna', *Festschrift für Johannes Hoops* (Germanische Bibliothek 2; Heidelberg 1925) 105-30 [unseen]. This is in a contemporary Gothic hand, with a small plain capital at the beginning.)

fol. 17ra-rb <Incertus auctor, **Notabilia de libellis formulandis sive Excerptum ex commentario quodam in Institutiones**>

(Textus) In actione personali sic formatur libellus ... (Finis) a principali uirtute. Alias non procedit libellus. (This includes a reference 'Nota supra de act. in c. Rursus' (fol. 17ra = Inst. 4.6.5). There are many references to the Digest. Expressions like 'quero' and 'dic' are frequent. On fol. 17ra the author comments 'et hoc dicebat dominus p. a.' (for a Petrus de Aricio, see E. Cortese and G. D'Amelio, 'Prime testimonianze manoscritte dell'opera Longobardistica di Carlo di Tocco', *Atti del Convegno 'I Glossatori' ...* 1971 (Pavia 1974) 85-108 at 91); on fol. 17rb 'et hoc secundum pla. ... Sed io. et Fre°. (?) contradicunt.' This is in a Gothic cursive hand, with simple capitals and paragraph marks.)

fol. 17va <**Gregorius IX, Decretales**, excerpta tres> (X 2.20 .9, X 2.19.10, X 2.19.5)

(These are in a different Gothic hand, there are no corrections. Rubrics were added in the margin by the scribe. There was to be a decorative capital at the beginning, but it is missing. After the third decretal the scribe wrote: 'Sed dicit B. in apparatu suo quod presumptiue fuit probatum'.)

fol. 17va-vb, *marg.* **Arnoldus <De Villanova et alii, Praecepta tres medica>**

(Textus) Coriandrum bullitum in aceto ... excedere numquam sinit. Doctrina magistri Arnaldi Catalani siue de Villa Noua. (Praeceptum secundum) Pro remitendis pilis queratur talpa ... nam sertum et firmum est. (Praeceptum tertium) Vrbanus per se nescit ... (Finis) neguat tribus horis. (These were added in the margins after the decretals and, in the second column, below the excerpt from the *Glossa ordinaria* (see below). The first two are in two different Gothic bookhands, the third in a Gothic cursive hand; there is no decoration.)

fol. 17vb-19vb <**Bernardus de Botone Parmensis, Glossa ordinaria in Decretales, excerptum**> (X 2.14.4 v. *contumaciter* - X 2.19.11 v. *praesumatur*, passim) (Rubrica) De dolo et contumacia. *Prout et infra. Contumaciter*: Contumax est qui cum debet parere (*ed.* fol. 202ra) ... (Finis) per ordinem ut littera dicit procedere (*ed.* fol. 116rb line 2 from bottom). (**Ed.** and **Bibl.** See Vat. lat. 1379 fol. 1ra-295ra. The MS follows the edition through fol. 18va line 13 from the bottom, where, after the gloss on X 2.14.5 v. *expensas* (*ed.* fol. 103ra line 34), the MS goes on to an unidentified text on the lemma *Secundum arbitrium discreti* (also in X 2.14.5). Then, on fol. 18va the last line begins with X 2.19.11, but with a long gloss on v. *negantis factum* that is not in the edition. The MS rejoins the edition at the lemma *directa probatio* (fol. 18vb, line 10 from bottom: =*ed.* fol. 115va no. b), and continues to the gloss v. *presumatur*, but stopping short of the end. This may be in the same hand as the *Libellus* material on fol. 17r; it has been corrected by the scribe. Chapters begin with small capitals and paragraph marks.)

fol. 19vb <Incertus auctor, **Glossa quaedam in Dig. De custodia et exhibitione reorum**> (Dig. 48.3)
ZZ Legitimum: *Ff.* de custo. et exi. *Si quis reum* (Dig. 48.3.4) obiicitur ubi dicitur quod si quis reum ... (Finis) extra hordinem in corpore punitur, ut C. de fideiussoribus. Si *Barsatoram* (*Barsatorem orig.*; Cod. 8.40.13). (*Legitimum* has not been identified. This is in the same hand, and has the same decoration, as the *glossa ordinaria* excerpts. No authors are cited.)

fol. 20ra-73vb **Tancredus <Bononiensis>, Ordo iudiciarius**
 (Rubrica) Incipit iudiciarius hordo a Tanqreto aperitus. (Praefatio) Assiduis postulationibus me socii mei carissimi ... (Rubrica textus) De hordine iudiciorum. (Textus) Iudiciorum siquidem ordo ... (Finis) ad iudicii instructionem breuiter dixisse sufficient. (Colophon) Explicit hordo iudiciarius. (**Ed.** Pillius, Tancredus, Gratia, *Libri de iudiciorum ordine*, ed. F.C. Bergmann (Göttingen 1842, anast. repr. Aalen 1965) 89-314. **Bibl.** K. Nörr, 'Die Literatur zum gemeinen Zivilprozess', Coing, *Handbuch* I 383-97 at 389; Schulte, *Geschichte* I 203-04; R. Fraher, 'Tancred's "Summula de criminibus": A new text and a key to the Ordo iudiciarius', BMCL 9 (1979) 23-35. See also Vat. lat. 2343 fol. 63ra-74vb for the revised version, of which there is another copy below, fol. 83va-107rb. This is in the same hand as the *glossa ordinaria* excerpts, etc., and has been corrected by the scribe. The first word of each section is in large display script with elaborate penwork decoration; on the first *part* there are several other decorative initials. Thereafter chapters have large plain capitals, and the text is much divided by paragraph marks. Several contemporary hands added glosses and *notabilia*; grotesques were also added to mark notable passages.)

fol. 73vb-79vb <Incertus auctor, **Abbreviatio librorum Decretalium Gregorii IX**>, imperfecta (X 1.2.1-X 2.13.13)
 (Rubrica) Gregorius iii (*sic*) de constitutionibus. (Textus) Canonum statuta ab omnibus custodiantur ... (Finis) potius repellere uim uindicta. (**Ed.** *of the*

complete text, Friedberg 2. Each chapter is summarised in usually no more than a few lines. This is in a different Gothic hand although it continues after the *ordo* with no space left between. The scribe corrected it self. The rubric is in display script in small letters, and this is repeated for the beginning of Book 2. Small plain capitals for chapters run in the margins. The scribe added marginal schemata here and there.)

fol. 80ra-83va **Guillelmus Lemovicensis, <Summa iuridica versificata>**

(Praefatio) Prologus in librum Willelmi Lemouicensis (Willelmi Lemouicensis *sup. eras., et spat. relict. post Willelmi*) cuius uerba tonant et lingua secat (sonat cod.) uelut ensis ... Plus auditores format quam mulcet aures. (Textus) Quedam que ualent ad canones distinguendos ... (Finis) Etiam (? Et?) licet hora, dies, mensis non preteratur. (**Bibl.** G. Fransen, unpublished description of the juristic MSS of Seo de Urgel, bibl. capit. MS 2030, fol. 1r-v, with a fragment of this work, from which the present copy was emended. After a long general introduction the text moves to 'De coniugio' (fol. 80rb) and then, on fol. 81vb, to a final section on procedural law (beginning 'In causis v. persone sepe laborat (*sic*)'). No authors are cited, and the text is extremely elementary. It is in the same hand as the preceding piece and has scribal corrections. A large initial with penwork ornaments begins the text. The scribe wrote a few *notabilia* in the margins, some of which have been trimmed off.)

fol. 83va-107rb **Bartholomaeus Brixiensis, Ordo iudiciarius**, idest Tancredi Ordo a Bartholomaeo reuisus (See Vat. lat. 2343 fol. 63ra-74vb for further information.)
Variants:

(Rubrica) Incipit liber ordinis iudicarii magistri Tanqueti (*sic*). (Rubrica textus) Rubrica *om.* (Finis) sufficiant *pro* sufficiat (Colophon) Explicit libellus Tancreti. Amen. Hic liber est scriptus, scriptor omni tempore benedictus. (This is in the same hand as the preceding piece (from which it continues without any spatial break), and has been corrected by the scribe. The first word is in display script with elaborate penwork decoration, and chapters for the first two pages are likewise ornamented; thereafter chapters have plain capitals, and the text is much broken up by paragraph signs. The scribe occasionally added mnemonic verses in the margins.)

fol. 107rb <Incertus auctor, **Commentum breve in Decr. De restitutione spoliatorum c. Gravis** (X 2.13.11)>

(Textus) *Extra. de restitut. spo. Grauis.* Fructus intelliguntur qui supersunt deductis ... (Finis) i. et ii. extra de iureiurando Quinta Vallis (X 2.24.23).

fol. 107rb <Incertus auctor, **Nota brevis de exhereditatione**>

(Textus) Notantur cause exquibus licet exheredare ... (Finis) et ita fuit turpe mandatum. (This and the preceding commentary, each of about twenty lines, follow in the same hand, after a few lines of blank space, after the *Ordo*. No authors are cited. Each begins with a paragraph mark.)

fol. 107va <Incertus auctor, **Commentum in Decr. De pignoribus et aliis cautionibus c. Ex litteris** (X 3.21.5)>
 (Textus) *De pignoribus* (marg.) *Ex litteris*: Quia uero mulier estimationi ... (Finis) sui prefati noscitur possidere. (This 12-line commentary may be in the same hand as the preceding pieces; no authors are cited, and there is no decoration.)

Bibl. Ruyschaert 175-81.

The MS is written in varying shades of ink in multiple Gothic bookhands as noted above. The decorative style changes with each section. Initials and capitals are usually red, occasionally blue, with violet or red penwork respectively. Rubrics and paragraph signs are red throughout. On the inside front cover is stamped 'Dono di Pio X'; a slip pasted in has, in a modern hand, 'Bartolomeo Brixiense (*sic*) Lib. ordinis iudiciarii'; and on another slip a different modern hand wrote 'Canonii raccolti da Greg. III'. On <I>r a 17th- or 18th-century hand wrote 'XIV aut XV ZZ saeculi' (cf. Ruyschaert viii); pasted here is another slip on which a different modern hand described the contents similarly to the earlier notations, and an ownership note of P. Beckx, provost of the Collegium Romanum. In the upper margin of fol. 1r a 15th-century hand wrote 'Summa mihi ignota et IX Vagantes (*sic*) Innocentii III et ordo iudiciarius a Tancredo compositus'. In the lower margin of fol. 19v there is the note 'Anno Domini m°.cc°.lxxx°.viii°. die Simonis et Iude G. de Auruntis persoluit B. filio domini Aderii (?) iii s. /// minus iii^{of}. 1. ...' with two witnesses' names. Fol. 52v-53v in the lower margins, and fol. 107v (after the short commentary) contain legal documents: (1) fol. 52v-53v: an exception submitted to the bailiff of Montréal, in a large Gothic hand; (2) fol. 107v: an exception proposed by B. de Marsano against Garsias de Degui, to the bailiff of Montréal; (3) *ibid.*: a libellus of 20 feb. 1265 of the cleric Geraldus Faber against Geraldus de Rebolino senior, before the official of Agen; (4) *ibid.*: a sentence in the same case; (5) *ibid.*: an appeal petition in the court of Prior Gavaretti of the diocese of Auch. Of the last four items, on fol. 107v: the first two are in the text-space and are in two different Gothic cursive hands; the last two are in long blocks across the lower margin, in two different Gothic hands. In the lower margin of fol. 107r there is a note of sale: 'Iste liber est emptus per Forcium de Auxo clericum a Petro Barrani filio quondam Petri qui moratur apud Montem Regualem...'. followed by a list of names and dated 1321. Barranus became a canon of Carcassone in 1324; see G. Mollat, ed., *Jean XXII*. (1316-1334). *Lettres communes* 5 (Paris 1909) 96 no. 19197. Quire structure is mixed, but quaternions predominate. Catchwords are framed and centered or at the right. The binding is parchment. <I>v is blank.

Vat. lat. 11516	saec. XIV
------------------------	------------------

antea 73. **Prov.** Pius X (1903-14); P. Beckx, S.J.; Rome, Collegium Romanum S.J. **Scr.** Nycolaus.

139 fols. memb. 235 (157) x 165 (106) mm. Quaterniones, saec. XIV.

fol. 1r-17r **Rolandinus Passagerii, Tractatus notularum** (See Vat. lat. 2326 fol. 92rb-107vb for further information.) *Variants*:

(Inscriptio *add.*) In nomine domini amen. (Rubrica *add.*) Hec est ars notarie composita a domino Rolandino Passagerio que de negotiis hominum legitime ordinandis tractans ponit primo quendam tractatum ZZ casibus legum felcitur (*sic*) super ipsam summam compositum. (Colophon) Explicit tractatus super summa notarie composita a domino Rolandino Passagerio de Bononia. Deo gratias. Amen.

fol. 17v-138r **Rolandinus Passagerii, Summa artis notariae**, imperfecta (See Vat. lat. 2326 fol. 1ra-92rb for further information.) *Variants*:

(Rubrica) Hic incipit exordium quod immediate post ipsum tractatum sequitur artem notarie predictam in quo lector intueri poterit ipsam diuidi per capitula X partium preter supradictum tractatum. (Epilogus) iam *add. post* Ecce; humilis *pro* minimus (Colophon) Amen. *add.* (Colophon secundus *add.*) Finito libro sit laus et gloria Christo. Amen. Amen. Amen. Nycolaus uocatur a Christo benedicatur. Amen. (Lacunae in the text result from the loss of folios between fol. 38 and 39 and between 79 and 80; cf. Ruysschaert 207.)

fol. 138v <**De interrogatorio super articulis**>

(Rubrica) De interrogatorio faciendo super articulis a testibus. (Textus) Interrogentur testes super articulis infrascriptis ... (Finis) et predictae interrogationes super quolibet articulo repetantur.

Cat. Ruysschaert 206-09.

The MS is written in a round humanist bookhand, in brown ink. The opening initial of each major work is blue decorated with red; large decorated initials begin each title in the Summa. The text on fol. 138v is in the same or a very similar hand. Capitals are red or blue, some with penwork in the contrasting color. Rubrics are red; paragraph signs are red in the Tractatus, red and blue in the Summa. Catchwords are framed at the lower right; prickings are visible. There are annotations and corrections in contemporary and later hands. In the upper margin of fol. 1r is the number '73'. Fol. 134v and 136r contain toothache remedies in the lower margins. On fol. 135r-v, 136v, and 137r there are prayers in the lower margins. On fol. 138r there is the following note in the lower margin, readable only by ultra-violet light. 'M^o ccc^o nonagesimo nono pontificatus domini Bonifacii pape viiii anno <decimo> eius vii indictione xv mensis decembris prima die natus fuit filius meus Petrucius //// in festo sancti Andree'. On fol. 138v-139v are notes and instrumenta. See Ruysschaert for further information on the many marginal notations: Fol. 1 is stained; fol. 139 is stained and mutilated (the top half of the folio is gone), and there is some worm damage on the last leaves. Some sections show signs of water damage. Inside the front cover are the shelfmark, a note of the contents of the MS common to MSS from the Collegium Romanum and the stamped notation. 'Dono di Pio X'. The MS is bound in 18th-century parchment with gold stamping.

Vat. lat. 11519	saec. XIII
------------------------	-------------------

Prov. Pius X (1903-14); P. Beckx S.J.; Rome, Collegium Romanum S.J.

III + 83 fols. memb. (chart.: I-III) 240 (175) x 156 (102) mm, origin Italy. Quaterniones, saec. XIII.

fol. 1ra-83ra **Bernardus <de Botone> Parmensis, Summa in titulos Decretalium**

(Rubrica) Incipit summa super <titul>is decretalium a <ma>gistro B<ernardo> parmensi composita. (Praefatio) Formauit Deus hominem ad imaginem et similitudinem suam xxxiii q. v. Hec imago (C.33 q.5 c.13) et C. de poenis Si quis in metallum (Cod. 9.47.17). ... (fol. 2rb) (Rubrica) De constitutionibus. (Textus) Premiso fidei fundamento ad alia (fol. 2va) procedamus ... (Finis) non possunt quibus studia sunt diuersa x. vi. q. vii. Nona (Nova cod.) actione (C.16 q.7 c.22). (Colophon) Explicit liber quintus hec liber est scriptus qui scripsit sit benedictus. Amen.

Cat. Ruysschaert 211, misdating the MS to saec. XII. **Bibl.** Schulte, *Geschichte* II 116-

17; Kuttner, *Repertorium* 389 n. 6, but not mentioning this MS.

The MS is written in a rough Gothic bookhand in black ink. Rubrics, capitals, and paragraph marks are red. The capitals beginning each of the five books are larger and decorated in a rough and amateur design. Running heads, consisting of 'L' and the book number, are red. The colophon is struck through in red. There are some corrections by the scribe and scattered notes by at least two other hands, including long notes on fol. 16r-v and 19r-v. Fol. 83v is covered with *probationes pennae* and notes in Hebrew, perhaps pawn marks. On the inside front cover and 1r are notes that this MS is a gift of Pope Pius X. 111r has the modern title: 'Mag. Bernardus Parmensis. *Summa* super Titulis Decretalium.' Catchwords are low against the inner margin line. The MS has an old parchment binding which has been restored with new end papers. <I>v- <II>v and <III>v are blank.

Vat. lat. 11522	saec. XIV
------------------------	------------------

Prov. Pius X (1903-14); P. Beckx S.J.; Rome, Collegium Romanum S.J.

144 fols. memb. 231 (159) x 168 (110) mm. Seniones, saec. XIV.

fol. 1ra-128ra **Raymundus de Pennaforte O.P. (s.), Summa de casibus poenitentiae**

(See Vat. lat. 2301 fol. 24ra-287vb for further information) *Variants:*

(Rubrica praefationis) Incipit prologus in summa Raymundi. (Rubrica textus)

Incipit suma (*sic*) Raymundi de symonia rubrica (Finis) iocunita pro iocunditatis; suam *pro* illam; etc. *om.* (Colophon) Amen.

fol. 128ra-144vb **Raymundus de Pennaforte O.P. (s.), Summa de matrimonio** (See

Vat. lat. 2301 fol. 287vb-333vb for further information.) *Variants:*

(Rubrica) summa *add. post* Raymundi (Rubrica textus) Incipit summa magistri Raymundi de matrimonio (*sponsalibus add. sup. lin.*). (Finis) animo *om.*

Cat. Ruyschaert 230-31.

The MS is written in Gothic bookhand, probably by a single scribe, in brown and black ink that has flaked rather badly in places. Initials opening the texts are red and blue with blue penwork decoration. Capitals alternate red and blue, with penwork in the contrasting color. Rubrics are red; paragraph signs are usually red, sometimes blue. There are corrections and annotations in several hands. A long marginal note on fol. 49r is signed 'Raynaldus'. The MS is ruled in lead. A modern slip of paper with a note on the contents of the MS is attached to fol. 1r. Catchwords are at the lower right, usually framed. The parchment and cloth binding dates from the second quarter of the 20th century.

Vat. lat. 11527	saec. XVI.1
------------------------	--------------------

Prov. Pius X (1903-14); Rome, Collegium Romanum S.J. **Scr.** Antonius Aurelius (?).

98 fols. chart. 210 (154) x 146 (92) mm, origin Italy (?). Seniones, saec. XVI.1.

fol. 2r-91r <**Formularium poenitentiariae, saec. XVI**>

(Rubrica) De contrahendo in 4° consanguinitatis uel affinitatis mutatis mutandis

et etiam seruit pro 3^o ut infra. (Inscriptio) Venerabili in Christo patri Dei gratia archiepiscopo Ianuensi uel eius uicario in spiritualibus, Leonardus ... (Textus) Sedis apostolice prouidencia circumspecta non nunquam rigorem ... (Finis) eodem modo de Sutrinensi et Nepesaniensi. (This small formulary contains standard types of texts, mostly concerned with marriage law, followed by a selection of variant forms for salutation and dating clauses. The names of Leonardus Grossus de Rovere, cardinal penitentiary c. 1511-20, and minor penitentiaries Claudius Cathelini and Francisco Berthelai appear in the text. Cf. Göller, *Die päpstliche Pönitentiarie* I.1 p. 15 and II.1 p. 38 n. 3.)

fol. 91r-v **Formularium super facultatibus assistentium**, <excerpta duo>
 (Rubrica) Extractum ex formulario super facultatibus assistentium.. (Textus) In absentia autem alterius correctoris ualitudinarij uel infirmi ... et quo usque talis corrector sibi substituat. (fol. 91v) (Rubrica secunda) Item quod correctores non expediant litteras nisi in officio etc. (Textus) De nouo ad maiorem cautellam de consensu et uoluntate... (Finis) exceptis litteris rescribendis dum tamen correctis et emendatis. Datum etc.

fol. 92r-96r <**Tabula codicis**>

fol. 96v-97r <**Epistolae poenitentiarii duae**>
 (Epistola prima) (Inscriptio) Laurentius etc. discreto uiro confessori ... (Textus) Ex parte dicti N. nobis oblata petitio ... et commode accedere possit nudus etc. (Epistola secunda) (Inscriptio) Leonardus etc. dilecto in Christo Ferdinando Perez de Theruel ... (Textus) Ex parte tua fuit propositum coram nobis ... (Finis) consuetudinibus cuiuscumque tenoris existentibus rescisis (*sic*) contrariis quibuscumque. Datum. ('Laurentius' in the first letter is probably Lorenzo Pucci, cardinal penitentiary, 1521-29.)

Cat. Ruysschaert 260-61. **Bibl.** E. Carusi, review of Göller, in *Archivio storico italiano* 72 (1914) 96-101 at 98-99, describing this MS (without shelfmark).

The MS is written almost entirely in one 16th-century French notarial hand, in brown ink. No color was used. The rubrics and some of the marginal notes are in other contemporary hands; later hands appear in other notes. Some of the marginalia refer to charges (*taxae*) levied by the penitentiary for the preparation of various documents. In some places the text has been heavily corrected, e.g. fol. 38v and 45v. The two letters at the end of the volume are in hands different from those in the rest of the MS. The insides of the MS's cover and fol. 1r-v and 97v-98v are full of various notes and *probationes penna*e. The name Antonius Aurelius appears twice, on the inside front cover and on fol. 98r, and 'Aurelius scriptor penitentie' appears twice on fol. 1v. Also on the inside front cover are two library labels and the stamped notation 'Dono di Pio X'. Among the notes on the inside back cover are 'Aurelius', and several repetitions of the phrase 'Vive le roy de France'. The original foliation in the upper right corner is in Roman numerals; the modern stamped foliation at lower right is followed here. For the watermarks, cf. Briquet nos. 7855, 3646, 49, and 13889. The MS retains its original parchment binding.